

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA

CASE NO. 1:22-cv-24066-KMM

GRACE, INC., et al.,
Plaintiffs,
vs.
CITY OF MIAMI,
Defendant.

DEPOSITION OF REBECCA PELHAM

(Conducted Via Videoconference)

DATE TAKEN: October 17, 2023
TIME: 2:28 p.m. to 7:24 p.m.
PURSUANT TO: Notice by counsel for
Defendant for purposes of
discovery, use at trial or such
other purposes as are
permitted under the Florida Rules
of Civil Procedure

BEFORE: Denise Smith Byer, RPR, FPR
Notary Public, State of
Florida

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1 REBECCA PELHAM,
2 the witness herein, being first duly sworn on oath, was
3 examined and deposed as follows:

4 DIRECT EXAMINATION

5 BY MR. LEVESQUE:

6 Q. Good afternoon, Ms. Pelham. My name is
7 George Levesque. I'm with Gray Robinson, and I
8 represent the City of Miami.

9 Before we get started today, have you
10 ever been deposed before?

11 A. No, I have not.

12 Q. Okay. Have you ever testified in court
13 before?

14 A. No, I have not.

15 Q. Okay. I'm going to go over a few ground
16 rules before we get started.

17 Obviously this is a deposition, and I'll
18 be asking questions and you'll be giving answers.
19 The court reporter will be taking down everything
20 that we say.

21 At different times during the deposition
22 your counsel may object. If she objects, let her
23 get her objection on the record, and then I may
24 ask you to go ahead and answer. I might have a
25 colloquy with your counsel about his or her

1 objection. And then from there we'll kind of
2 figure out what will happen.

3 But in those circumstances where I've
4 asked you to answer the question and she's not
5 instructed you not to answer, I request that you
6 go ahead and answer.

7 The important thing that sort of governs
8 all of that is that we not talk over each other.
9 Because the court reporter is taking everything
10 down. Once more than one person starts talking,
11 it becomes very difficult to start taking down
12 what two people are saying, and even more
13 confusing when three people are talking.

14 Another rule is, as I ask questions, if
15 you answer the question, I'm going to assume that
16 you understood the question that I asked. If
17 there's any question that you don't understand,
18 either because you didn't hear me or it's a
19 confusing question, and there might be some of
20 those, just ask me to repeat it or rephrase it and
21 I'll do the best I can.

22 But if you answer the question that I
23 ask, I'll assume that you understood it. Is that
24 fair?

25 A. Yes.

1 Q. Okay. Are you under any medication that
2 would impair your ability to testify truthfully
3 today?

4 A. No, I'm not.

5 Q. Okay. Are you under any medication that
6 would impair your ability to remember things?

7 A. No, I'm not.

8 Q. What is your current residential address?

9 A. My address is 1011 Bay Drive, Apartment
10 206, and that's Miami Beach, Florida 33141.

11 Q. And so you're not a resident of the City
12 of Miami, are you?

13 A. Not -- not currently, no.

14 Q. Have you ever been a resident of the City
15 of Miami?

16 A. I have, yes.

17 Q. When was that?

18 A. From late 2012 until I believe 2015,
19 2016.

20 Q. And have you lived in Miami Beach since
21 that time?

22 A. No. I moved to North Miami after that,
23 and I moved to Miami Beach in August of 2020.

24 Q. Now -- one moment.

25 MR. LEVESQUE: We'll go off the record.

1 (Discussion off the record.)

2 BY MR. LEVESQUE:

3 Q. I am going to show a document that we are
4 going to mark as Defendant's Exhibit 1.

5 (Defendant's Exhibit 1 marked for identification.)

6 BY MR. LEVESQUE:

7 Q. And have you seen this document before?

8 A. Yes, I have.

9 Q. And you see there's a list of topics on
10 the back with Schedule A?

11 A. Yes.

12 Q. Okay. Before we get started kind of
13 going through things, what did you do to prepare
14 for your deposition today?

15 A. I spoke with my counsel and reviewed any
16 internal documents that we had that may pertain to
17 these questions.

18 Q. Okay. And what documents did you
19 review?

20 A. I looked at my declaration that was
21 submitted in February of 2022. I looked at, you
22 know, different documents that were requested, so
23 the former social media posts or e-mails that we
24 sent out about redistricting. The supplemental --
25 some of the documents that were filed in court of

1 the case. I apologize if I'm blanking on the
2 title.

3 Q. It's not a memory contest. It's what you
4 know.

5 Do you understand that you have been
6 designated to testify as the corporate
7 representative for Engage Miami?

8 A. Yes.

9 Q. How was the decision to select you to
10 testify on your behalf? And if -- I don't want to
11 know conversations that involved your attorneys.
12 Just internally for Engage Miami, how was that
13 decision made?

14 A. Simply because I serve as the executive
15 director and so have kind of a high level overview
16 and responsibility for the organization as a
17 whole.

18 Q. Where are you currently employed?

19 A. I'm employed at Engage Miami.

20 Q. And how long have you been employed with
21 Engage Miami?

22 A. For a little over five years, since July
23 of 2018.

24 Q. And before then, when were you employed
25 or where were you employed?

1 A. I was employed at Miami-Dade College,
2 where I served as the director of the Institute
3 for Civic Engagement and Democracy of the North
4 Campus. And previous to that I was in AmeriCorps
5 Vista. I also served at that same office at the
6 college.

7 Q. And can you briefly describe your
8 education background?

9 A. Sure. Attended public school growing up.
10 And then did a bachelor's at Bard College in
11 Upstate New York, and then I did a master's in
12 education at the University of Miami.

13 Q. Do you hold any other degrees or
14 certifications?

15 A. No. Just a bachelor's and a master's.

16 Q. And where did you attend public high
17 school?

18 A. In -- I believe it's in East Mountpelier,
19 Vermont. It's called U-32 High School.

20 Q. It's fascinating to see how other states
21 and localities name schools.

22 A. Students actually voted on it in the --
23 way back when.

24 Q. Have you ever been charged with a crime?

25 A. I believe I was charged with a

1 misdemeanor in 2021, but it was not -- I was not
2 convicted.

3 Q. What was the occasion that you were
4 charged or what was the --

5 A. I ended up being -- getting a driving
6 while ability impaired.

7 Q. And adjudication was withheld?

8 A. I don't know exactly what that means. I
9 apologize.

10 Q. Sure. If I understood from your prior
11 answer, it was a charge that you weren't convicted
12 of?

13 A. Correct.

14 Q. Now, other than speaking with your
15 counsel and reviewing the documents, did you speak
16 with anyone else regarding your deposition today?

17 A. No. I let staff know that I would be at
18 the deposition. And Yanelis, who had done the
19 deposition earlier as an individual plaintiff,
20 wished me good luck and -- but we really didn't
21 talk about it.

22 Q. Other than staff with Engage Miami, did
23 you speak with any of the other plaintiffs about
24 your deposition today?

25 A. No.

1 Q. Have you ever spoken to any other -- any
2 of the other plaintiffs regarding this litigation?

3 A. Me personally, no, I don't believe I have
4 done so.

5 Q. When was Engage Miami first incorporated?

6 A. 2015.

7 Q. What is Engage Miami's mission?

8 A. Engage Miami's mission is to advance
9 justice, sustainability and democracy by building
10 a culture of civic participation for young people
11 that is bold, local and impactful.

12 Q. And how does it go about fulfilling that
13 mission?

14 A. Engage Miami focuses on increasing the
15 civic engagement of young people, typically
16 between the ages of 16 to 35, through voter
17 engagement, which could look like voter
18 registration or voter education, leadership
19 development and civic education as well as
20 advocacy related to the issues that our members
21 prioritize.

22 Q. And is Engage Miami a 501(c)(3)?

23 A. 501(c)(4).

24 Q. And does Engage Miami support candidates
25 for office?

1 A. 501(c)(4)s have the ability to support
2 candidates for office, but we have never publicly
3 endorsed.

4 Q. Does Engage Miami advocate for particular
5 issues?

6 A. Engage Miami has a platform for local
7 advocacy called the Young People's Policy
8 Priorities that was created with our members
9 around typically the topics of housing, transit,
10 public safety, climate and environment, education
11 and democracy and voting rights.

12 Q. And specifically related to the City of
13 Miami, has Engage Miami engaged in efforts to
14 influence the City's policy positions?

15 A. Could you define what a policy position
16 is?

17 Q. Sure.

18 A. A policy with a specific legislation.

19 Q. Yes. So, for example, say the City
20 hypothetically was drawing redistricting maps for
21 the City. Is that an area where Engage Miami
22 would look to influence the City's decision-making
23 processes?

24 A. Yes. We would encourage people to do
25 public speaking, provide education about what

1 different issues the commission was considering.
2 You know, we've been involved in Little Haiti, for
3 example. There's been a lot of development, so
4 getting young folks aware of how to make a
5 difference around topics of affordable housing.
6 And then with the redistricting process,
7 encouraging young people to be aware and engaged
8 and use their voice to make a difference on issues
9 that matter to them.

10 Q. Related to the redistricting process,
11 what was Engage Miami's goals in attempting to
12 influence the City's decision-making on that
13 particular topic?

14 A. So we have gotten involved with census
15 outreach to make sure that hard-to-count
16 communities were included in the census process.
17 And so we were aware that that census information
18 would then be used for the purpose of
19 redistricting, and our intent was to educate our
20 members and young people in the City about how
21 redistricting works, how to get involved, and then
22 to encourage public participation in the process
23 so that decision makers understood where the
24 public was and redistrict lines that were fair,
25 constitutional, you know, obviously in line with

1 the Voting Rights Act. Yeah.

2 Q. Now, as part of those efforts, did Engage
3 Miami draft documents that were disseminated to
4 those age groups that they were trying to engage?

5 A. We created social media posts about -- as
6 well as e-mails that we sent out about when the
7 City Commission was having hearings on that
8 matter, how to give public comment, specifically
9 talking about Coconut Grove being split, and that
10 was a topic that had come up, sharing some history
11 about the West Grove.

12 I think we shared, you know, some clips
13 of how the members of the public as well as some
14 clips from the commissioner speaking on the dais.
15 So that folks who weren't at the hearing could see
16 what was said there.

17 Q. The clips of commissioners that were
18 speaking on the dais, what are the types of clips
19 that you would have shared with your members or
20 the people that you were seeking to engage with?

21 A. They were just from the public -- the
22 public TV that the commission provides so that
23 people can view public hearings. So just little,
24 you know, probably 20- to 30-second excerpts from
25 different folks. And those were shared on our

1 social media.

2 Q. Okay. Do you recall if you shared any
3 clips from any particular commissioner?

4 A. I'd want to go back and double-check. I
5 believe there's maybe three examples that we used.
6 I think -- I would want to double-check who
7 exactly. I believe Ken Russell was one of them.
8 I believe Joe Carollo was one of them. But I
9 would want to verify. It's on our Instagram
10 account.

11 Q. And do you recall either what the subject
12 matter or why you would have shared either of
13 those -- with the caveat that it might not have
14 been those, but do you recall generally topically
15 what might have been addressed and the point that
16 you were conveying with sharing those video clips?

17 A. I think the point was just to give people
18 a window into the kinds of conversations that were
19 being had during the public hearings and to
20 understand the discourse and different points of
21 view that were being expressed by commissioners as
22 well as residents giving public comment.

23 Q. You mentioned census outreach as part of
24 your -- somebody that cooperated with.

25 What was census outreach?

1 A. Yeah. So I think that's part of our
2 mission of increasing civic engagement. There are
3 communities that are hard to count, and young
4 people are often one of those communities. And so
5 having a full count of everyone helps better
6 inform processes like redistricting and the
7 allocation of resources.

8 So we just tried to educate young people
9 that the census was happening, you should
10 participate in it, here's how to do so, it's a
11 short, you know, form. And just to -- public
12 education about the census process.

13 Q. Is Engage -- and when I say "Engage,"
14 unless I'm using it in the context of a verb, is
15 it fair that you understand "Engage" would refer
16 to Engage Miami?

17 A. Yes.

18 Q. I don't want to add more words to a
19 sentence than I need to, so wherever I condense,
20 it's good.

21 Does Engage have a board of directors?

22 A. Yes.

23 Q. Who is the chair of the board?

24 A. Aimee Ferrer is the chair of the board.

25 Q. And are you familiar with her background?

1 A. She was a federal public defender, but
2 now I believe she works for a private firm. I
3 don't recall exactly the name of that firm.

4 Q. If I understood, you're the executive
5 director?

6 A. Yes.

7 Q. Do you also hold the title of CEO?

8 A. I am the chief officer of the
9 organization, but that is not a title that we
10 usually use to refer to my position.

11 Q. Okay. Does Engage's board have a
12 secretary?

13 A. Yes.

14 Q. Who is the secretary?

15 A. James Lopez.

16 Q. And what is Mr. Lopez's background?

17 A. Do you mean work background or --

18 Q. Either. Either work or, you know, if
19 there are other things that would normally --
20 usually there are -- and if you disagree, please
21 let me know -- but usually people are selected to
22 be on the board because they have a particular
23 skill set or a background that a board believes is
24 going to be beneficial to the organization. So
25 that's sort of what I'm getting at with my

1 questions.

2 A. Got you.

3 James is the executive director of
4 Power U - Center for Social Change.

5 Q. And what is that organization?

6 A. That is a nonprofit organization that
7 gets young people, typically high school students,
8 involved in creating social change through their
9 membership base, through advocacy, through civic
10 engagement.

11 Q. Does Engage have a treasurer?

12 A. Yes.

13 Q. And who is the current treasurer?

14 A. Jude Bruno.

15 Q. And what is Jude Bruno's background?

16 A. Jude works for United Teachers of Dade.
17 I believe his current title is director of
18 communications and engagement, but that might not
19 be the exact title.

20 Q. And does Engage have a vice chair?

21 A. Yes.

22 Q. Who is the vice chair?

23 A. Rodney Jacobs.

24 Q. What is Mr. Jacobs' background?

25 A. Rodney works for the City of Miami for

1 the CIP, Civilian Investigative Panel.

2 Q. Are there any other officers?

3 A. On the executive committee?

4 Q. Yes.

5 A. No.

6 Q. What about on the board of directors?

7 A. Yes. There's a few additional members.

8 Q. Okay.

9 A. Akivia Bassaragh, who's an attorney.

10 Q. And do you know what type of law she
11 Ms. Bassaragh practices?

12 A. We've talked about it, but --

13 Q. Any other officers other than
14 Ms. Bassaragh?

15 A. Yes. Pauline Greene, who's the executive
16 director of the -- they just rebranded, but I
17 believe it's the Alliance for LGBTQ Youth.

18 Q. Anybody else?

19 A. Yes. Rachel Prestipino. She used to be
20 the director of PACT, People Acting for
21 Communities Together. And is currently I believe
22 a vice president for advocacy at Catalyst Miami.

23 Q. Any other directors?

24 A. Randy Grace. And both Randy and Rachel
25 joined the board two weeks ago was their

1 on-boarding. Randy Grace, I believe has a
2 background as a -- an aide to a commissioner in
3 Miami Gardens and generally in the public
4 administration.

5 Q. And any other officers or any other
6 directors?

7 A. No.

8 Q. What is Engage Miami's physical address?

9 A. Our physical address -- we just moved
10 this summer -- is now at 10800 Biscayne Boulevard,
11 Suite 570, that's Miami, Florida 33161.

12 Q. So that is within the City limits?

13 A. It is not. I believe it is
14 unincorporated. But we used to be in the City
15 limits.

16 Q. You say you moved this summer?

17 A. Yes. In late June.

18 Q. Does Engage Miami keep and maintain
19 bylaws?

20 A. Yes.

21 Q. Does it also have an operating agreement?

22 A. Can you define --

23 Q. Some organizations use an operating
24 agreement that might be a little more detailed or
25 less detailed than the bylaws that sort of is

1 easier to amend and a little more flexible.

2 A. Oh. I don't -- no, I don't believe so.

3 Q. Does Engage Miami maintain, like, a
4 membership status?

5 A. Yes. We have organizational members.

6 Q. What does it take to become an
7 organizational member?

8 A. First, a potential member would learn
9 about the organization, express interest, and we
10 have, like, a member interest form on our website
11 as well as on some other documents that we hand
12 out.

13 And then would be invited to a meeting or
14 a one-on-one with an organizer. Provided
15 information about the organization, about our
16 issue platform.

17 And then signs what we would call a
18 member agreement, saying that they are interested
19 in being a member, they understand what that
20 means, what are -- you know, our organizing
21 platform is and to act with the values of an
22 Engage member.

23 Q. You referred to it as an organizational
24 member.

25 Does that mean that Engage Miami is made

1 up of other organizations or an individual becomes
2 a member of the organization?

3 A. The latter. The individual becomes a
4 member of the organization.

5 Q. And other than being willing to go
6 through the introductory processes and sign the
7 member agreement, are there any other requirements
8 or qualifications for becoming a member of Engage
9 Miami?

10 A. Members are asked to contribute
11 financially to the organization unless they have a
12 hardship and are unable to do so. Members are
13 asked to affirm and sign on to our issue platform
14 and to help us keep that updated with member
15 input. And to participate in our events, our
16 advocacy campaigns, volunteer with us and stay
17 active.

18 Q. In terms of the financial contribution,
19 is there a recommended amount?

20 A. Our recommended minimum is \$3 a month,
21 but we encourage people to give whatever is a
22 meaningful donation to them. So for some folks
23 that's higher. For some folks it's a one-time
24 donation, but they feel comfortable doing so. But
25 we try to make it equitable for folks.

1 Q. Now, when someone becomes a member, do
2 they receive any materials or receive a decoder
3 ring or anything like that? I mean that a little
4 facetiously, but is there like a member packet
5 that's provided to them?

6 A. Yeah. We've updated things over the
7 years. We might hand out -- for example, we
8 created a journal that talks about the different
9 issues, talks about what civic engagement means,
10 how to tell your story for social change. And so
11 for this year at our first annual meeting, we
12 handed that out to all members. You know, they'll
13 get an overview of the organization, but typically
14 that would be, like, via member meetings, whatever
15 slide deck we had prepared for that. But there's
16 no standard one-size-fits-all, everyone gets the
17 same package. We update it depending on --

18 Q. Do those member communications include,
19 like, updates on litigation?

20 A. I think that would mostly be via e-mail
21 and social media. We send out a newsletter
22 saying, you know, what was happening with this
23 litigation, for example. I think that typically
24 would be the e-mail.

25 Q. And who's responsible for drafting those

1 communications?

2 A. It can depend a little bit. Typically
3 our director of organizing and advocacy would
4 review, but she may assign another staff member to
5 do a first draft or one staff member to do one
6 draft, another to do another component of it.

7 We also have a senior communications
8 manager. He's responsible for maintaining e-mail
9 infrastructure and bringing everything together.
10 So depending on the content of the newsletter,
11 different people might draft that.

12 Q. For the standpoint of approval of those
13 communications before they're sent out, can you
14 describe that process?

15 A. So ultimately I would have approval, but
16 I delegate that authority. Typically if it's
17 advocacy and organizing oriented, I would delegate
18 that to Yanelis, who is the director. And if she
19 had questions, she might ask me about -- about
20 something. Yeah. Other kind of communications
21 might have a different approver. But for
22 something that was advocacy or organizing related,
23 she would sign off.

24 Q. Does Engage Miami maintain a membership
25 list?

1 A. Yes. We have a software that we use to
2 track engagements of volunteers, members, events,
3 activities.

4 Q. Does that engagement list include
5 residential addresses?

6 A. Yes.

7 Q. Do you know if anyone from Engage Miami
8 has gone through the process of identifying
9 whether they have a member in each of the
10 districts?

11 A. Yes. I believe I have seen a workbook
12 that shows the addresses in which districts.

13 Q. And so if I understood correctly, you
14 described the workbook that shows the addresses in
15 which districts.

16 Do you know who compiled that workbook?

17 A. I believe our director of organizing and
18 advocacy, but she might have instructed, for
19 example, our data associate to pull that report
20 from our database for her. So whether she did it
21 herself personally, but I believe that she would
22 have been the one to provide that direction.

23 Q. Would that have been Yanelis?

24 A. Yes.

25 Q. And do you know roughly when she would

1 have done that or directed somebody else to do
2 that?

3 A. I believe initially before this case
4 started, which would have been fall of 2022.
5 Sorry, I'm going -- 2021.

6 MS. MCNAMARA: I think it's 2022. We
7 filed the complaint in November or December
8 of 2022.

9 THE WITNESS: Okay. In advance of filing
10 the complaint. And I believe it has also
11 been pulled and updated more recently to see
12 if people knew. I believe I also saw a list
13 from October of 2023.

14 BY MR. LEVESQUE:

15 Q. And in addition to identifying, like,
16 which City district a particular member lives in,
17 does it identify any other districts they might
18 live in, so for example, a congressional district,
19 a state house or senate district, a county
20 commission district or --

21 A. We would be able to pull that information
22 based on their address. But I believe -- like the
23 Excel or Google sheet workbook that I reviewed did
24 not pull it by other districts. But we have that
25 information available.

1 Q. Is there a reason why that workbook would
2 include a designation of which City district they
3 were in?

4 A. I think for the sake of reviewing for
5 this case, what members lived where within the
6 City of Miami.

7 Q. And do you recall personally reviewing
8 that list and checking off, yes, we've got
9 somebody for District 1; yes, we've got somebody
10 for District 2; yes, we've got somebody for
11 District 3 and 4 and 5?

12 A. I believe that was discussed in a
13 meeting, and I would have seen the workbook, but I
14 don't think I went through and double-checked
15 every address. I think I just went through and
16 was like, okay, yes, we've got folks in all
17 districts.

18 Q. Do you know who would have specifically
19 kind of put together or double-checked to make
20 sure that actually occurred?

21 A. I believe Yanelis would have, perhaps
22 with the support of legal counsel to double
23 verify.

24 Q. Does Engage Miami, when it was going
25 through that residential process, does it verify

1 where its members live?

2 A. Going through that residential process --

3 Q. I'm sorry. Going through that
4 application process, does it verify the
5 residential address of where they live?

6 A. As members are on-boarded and complete
7 our member form, they are asked to fill out a form
8 and list out their address.

9 Q. Do you ever have instances where, like,
10 say you're mailing a hard copy to someone and the
11 resident is no longer here?

12 A. We don't do mailings specifically to
13 members very often. If we're sending out, for
14 example, one of our non-partisan voter guides,
15 yes, we will get some back, but that's pulled from
16 people's voter files versus our member sign-ons.

17 So it's possible -- I know we have mailed
18 members at times. I think we did holiday cards.
19 But it's possible some came back. But we just ask
20 people to update it as they -- as they move.

21 Q. Has Engage Miami maintained a copy of the
22 documents or the e-mails and external
23 communications that it created and distributed to
24 influence the City's redistricting process?

25 A. Yes. We have records of our social media

1 posts and the e-blasts, which would be the methods
2 of communication.

3 Q. For social media, does Engage Miami
4 maintain publicly accessible social media
5 accounts?

6 A. Yes.

7 Q. So anyone can like log on, create an
8 account and view Engage Miami's postings?

9 A. I -- yes, I believe so, across our social
10 media platforms.

11 Q. Are any of Engage Miami's postings for
12 members only?

13 A. Not on social media.

14 Q. You indicate "not on social media."

15 Are there other non-publicly available
16 access points where members only can access and
17 view materials provided by Engage Miami?

18 A. We might send an e-mail specifically to
19 our member list, both current and lapsed, versus a
20 general newsletter to anyone who's ever, you know,
21 signed up to receive our newsletter. That's a
22 little more specific to actions or events or
23 updates pertaining to members.

24 Q. Does Engage Miami maintain that type
25 of -- even separate and apart from e-mail

1 distribution, does it maintain a -- like a
2 members-only login for web access to talking
3 points or other types of advocacy materials that
4 are not distributed?

5 A. I don't think we have like a member
6 portal or -- no. I think any materials like that
7 would be at a member meeting or through via
8 e-mail.

9 Q. Did Engage Miami hold member meetings
10 related to redistricting?

11 A. I don't think that was ever the main
12 topic. It might have been mentioned that this was
13 something that was also happening. There were
14 member meetings where we talked about the issues
15 that relate to young people.

16 So it's possible we provided updates and
17 got, you know, some input. We held community
18 meetings about the redistricting process. I
19 believe in Coconut Grove and Overtown. But our
20 member meetings have I would say, like, a broader
21 agenda.

22 Q. Now, you mentioned community meetings
23 there in Overtown and Coconut Grove.

24 What was the purpose of those meetings?

25 A. Those meetings were to provide an

1 opportunity for public feedback and input about
2 some of the proposed plaintiff's maps, as we were
3 developing them in, I want to say late May and
4 June of this year.

5 Q. And how were those meetings publicized?

6 A. I believe for us via social media and
7 e-mail. And there were partner organizations and
8 our plaintiffs involved as well, so they would
9 have sent them out through their communications
10 channels too.

11 Q. Why did Engage Miami decide to hold these
12 community meetings for public input on the maps
13 that they were working on?

14 A. I think it's part of our values about
15 getting community input and public participation
16 and providing civic education and to have a
17 participatory process where folks could give input
18 and feedback and we can incorporate that.

19 Q. Was it your understanding that the
20 plaintiffs, including Engage Miami, have proposed
21 four alternative maps for the Court to consider?

22 A. Yes.

23 Q. Were the meetings, in terms of the
24 sequence of those releases, Plaintiff's 1 was
25 released first, then 2, then 3, then 4?

1 A. I believe 1 and 2 were offered kind of as
2 side-by-side options, and then 3 was developed as
3 a result of getting feedback and input.

4 Q. Okay. In terms of the development of 1
5 and 2, do you know if the community meetings were
6 held before plans 1 and 2 were submitted to the
7 City or the Court?

8 A. Before they were submitted to the City or
9 the Court? I would want to double verify.

10 Q. That's fair. I think from a sequence
11 standpoint, I'll represent that the plans were
12 shared with the City first and then later
13 everything was filed with the Court.

14 But from the terms of being shared with
15 the City first, do you know if community meetings
16 were held to review and propose suggestions to
17 drafts of plan 1 and plan 2 before they were
18 submitted to the City?

19 A. I could not verify with certainty when
20 our plans, the plaintiff's map 1 and 2 were
21 submitted to be viewed by the City, but I know
22 that we did share them. But there were
23 commissioners who had input on them and had access
24 to them around the same time that we were doing
25 the public input meetings. But when they were

1 formally shared with the City, I'm not 100 percent
2 sure of the timing versus the public meetings.

3 Q. For the community meetings, did you
4 invite any of the City Commissioners to be present
5 and participate in the meetings?

6 A. I don't believe that we had specific
7 outreach to commissioners, but I would need to
8 verify that. But I -- to my knowledge, no.

9 Q. Who would you verify that information
10 with?

11 A. I would want to ask our communications to
12 track any e-mail outreach to invite people to --
13 but my understanding is that those were really for
14 the public, for community members. I don't -- I
15 don't believe so.

16 Q. Would it be inappropriate for a City
17 Commissioner to attend one of those meetings and
18 listen to what's being shared?

19 A. I don't believe as an individual. I
20 mean, I know that there are sunshine laws, and
21 that when two commissioners are in the same place,
22 they can't discuss matters in a certain way, so I
23 would want to get legal advice on that. But I
24 believe if a commissioner wants to attend a
25 community meeting as a person, they can do so.

1 I'm not -- yeah.

2 Q. Do you know if the meetings were
3 recorded?

4 A. I cannot verify, but I don't believe so.

5 Q. Are you aware of whether news reporters
6 were ever there for portions of the community
7 meetings?

8 A. I believe so.

9 Q. Do you know --

10 A. I did not -- I was traveling at the time,
11 so I wasn't there myself. But I believe so. I
12 think so.

13 Q. Do you know if someone requested the news
14 reporter and the cameramen to leave and asked them
15 not to record any of this?

16 A. I don't have knowledge of that.

17 Q. You indicated that you weren't -- were
18 you there personally present at any of the
19 community meetings?

20 A. No. I was traveling at the time, so I
21 just got updates from staff.

22 Q. From the standpoint of your organization,
23 did they have someone at each of those meetings?

24 A. Yes, our organization had representation.

25 Q. And I think you mentioned the

1 communications director.

2 Do you know if that person was at those
3 meetings?

4 A. I know for sure that Yanelis Valdes, our
5 director of organizing and advocacy was. I
6 believe Lexi, Alexandra Contreras, our senior
7 communications manager was, and maybe one or two
8 other staff. But I would need to verify.

9 Q. Ms. Valdes and Ms. Contreras are both
10 plaintiffs in this action?

11 A. They are, yes.

12 Q. Did you speak with them in getting ready
13 for your deposition today?

14 A. No. I didn't really discuss it.

15 Q. Did you talk with them about their
16 depositions?

17 A. No. Yane mentioned that it was intense,
18 but said good luck to me, but didn't discuss it
19 beyond that.

20 Q. You mentioned that the community meetings
21 were held in Coconut Grove and Overtown.

22 Starting with the meetings in Coconut
23 Grove, do you know how many community meetings
24 there were?

25 A. I think just one in each location.

1 Q. Do you know why those locations were
2 selected?

3 A. I know that Coconut Grove, a lot of
4 residents had expressed concerns, and I believe
5 some of the other plaintiffs had -- had locations
6 or are more deeply involved in that area, such as
7 GRACE.

8 And then over time, I believe there was
9 dialogue about, you know, what district might that
10 be in, wanted to make sure we got input from
11 residents there, as well as just selecting central
12 locations for folks across the City to be able to
13 attend on short notice.

14 Q. Is there a reason why you didn't hold
15 community meetings in any of the other districts
16 other than District 2 and 5?

17 A. My knowledge was that it was a capacity
18 and timing issue that we held one and then
19 realized that there was appetite for more and held
20 another, and wanted to hold them in different
21 parts of the City so folks could attend.

22 Q. In terms of the capacity and timing, did
23 you prioritize the people that were complaining
24 the loudest?

25 A. I was not personally involved in the

1 selection of the sites, but I believe there had
2 been community dialogue about different
3 neighborhoods including Overtown and Coconut
4 Grove, so we wanted to make sure locations were
5 accessible.

6 Q. Would it be fair to say that the concerns
7 of the residents of Coconut Grove were that
8 Coconut Grove be kept whole?

9 A. I couldn't speak for those at the
10 meeting. But I believe that throughout the
11 redistricting process, that that topic and that
12 point came up quite a bit for many residents.

13 Q. Was that a point of advocacy or concern
14 for Engage Miami?

15 A. Engage Miami, I think we just wanted to
16 make sure that communities of interest were kept
17 together, that neighborhoods weren't split up,
18 that there was public participation, that
19 districts were compact wherever possible, and that
20 race didn't predominate in the districting
21 process.

22 And we definitely showed amplified
23 concerns that we're hearing from different
24 residents throughout the series of redistricting
25 hearings for the public.

1 Q. You mentioned the term "communities of
2 interest."

3 What does that mean to Engage Miami?

4 A. So I think it can mean different things.
5 It might, for example, mean that folks have a
6 similar location, neighborhood, that, you know,
7 they share a downtown or that they have
8 historically advocated together. You know, it
9 might be based on different concerns that
10 residents have about specific topics that might be
11 affecting their everyday lives, based on
12 neighborhood, et cetera.

13 Q. And in regards to that description that
14 you provided, that might be a neighborhood, it
15 might be multiple neighborhoods that comprise a
16 community of interest.

17 Would you agree with that?

18 A. Yeah. I think depending on the context,
19 the scale of that could be different.

20 Q. And it might also involve, say, a part of
21 one neighborhood and a part of another
22 neighborhood that's experiencing similar things
23 that might be different than the broader
24 neighborhoods that they're a part of.

25 Would you agree with that?

1 A. I'm not entirely sure I understand the
2 question.

3 Q. Sure. Maybe we can attack it this way.
4 How familiar are you with Coconut Grove?

5 A. I've never lived there. I certainly
6 canvas there, especially in the West Grove. I've
7 done a lot of door knocking. I've visited. I
8 have friends who have lived there. So a level of
9 familiarity.

10 Q. The area that you referenced as the West
11 Grove, is that different than the rest of Coconut
12 Grove or larger portions of Coconut Grove?

13 A. I think depending on how granular a level
14 you get to, there's always, you know, sub- --
15 subgroups and subsegments within any area.

16 But I think Coconut Grove as a general
17 broader neighborhood has a really long history of
18 community involvement and engagement locally.

19 Q. From the standpoint of Coconut Grove as a
20 broad group, broad geography, there are a lot of
21 wealthy people that live there in, say, comparison
22 to District 5.

23 Would you agree with me?

24 A. I would assume that, yes.

25 Q. It tends to be a whiter population in

1 Coconut Grove than what one might experience in
2 any of the other districts, correct?

3 A. Depending on where you are, but I would
4 say Coconut Grove is probably more white than
5 other areas in the City.

6 Q. Okay. And when you say "depending on
7 where you are," the West Grove has the historic
8 community of black residents, does it not?

9 A. Yes.

10 Q. And a lot of those black residents, not
11 all of them, but a lot of them tend to be poor,
12 correct?

13 A. There are definitely disparities in
14 wealth across the neighborhood.

15 Q. And those disparities also translate to
16 different social problems that someone who's poor
17 financially and maybe renting and maybe facing
18 eviction, than say somebody like LeBron James or
19 David Beckham in this neighborhood, somewhere in
20 the Grove, I've heard that LeBron does. Their
21 experiences and their issues are going to be
22 different from each other.

23 Would you agree?

24 A. I think there's going to be diverse
25 experiences within a neighborhood, definitely.

1 Inequity in society is going to play out on the
2 neighborhood level.

3 Q. Okay. In going back to my sort of
4 previous example -- and this is a hypothetical.
5 I'm not thinking about any particular area. But
6 let's say you've got an area like West Grove that
7 has historically, arguably, at least, from some of
8 the other people that I've talked to in this
9 litigation, has historically been ignored and
10 overlooked in terms of their issues, that they
11 share those interests, those issues with someone
12 who might not be in District 2, but are pretty
13 close to District 2 and say District 3, and
14 they've advocated for the same issues.

15 Would that be a community of interest for
16 the purposes of consideration of whether they
17 should be united in the --

18 A. I'm sorry. Can you repeat the
19 question?

20 Q. Sure. When I originally asked the
21 hypothetical question about two groups that may
22 not live in the same neighborhood, but they reside
23 in close proximity to each other, but they
24 experience the same issues, and their issues are
25 probably different than the broader neighborhood

1 that they are a part of.

2 So the West Grove experiences, some of
3 the issues are going be the same, but some of the
4 issues are going to be different than what the
5 other residents of Coconut Grove experience.

6 Let's say that that minority population
7 in the West Grove is working with a minority
8 population in the southern part, that they're both
9 experiencing the same issues, they're in different
10 districts, but they advocate together, they've got
11 the same issues, they're pushing for the same
12 solutions.

13 Would that constitute a community of
14 interest?

15 A. I'm definitely not, like, a legal scholar
16 in understanding, like, legally what is a
17 community of interest. I think on the micro
18 level, right, some people might care about a park
19 that's really close to their house, and that could
20 be, you know, a geographic thing that people unite
21 in an interest around. But you also might care
22 more broadly about in your neighborhood what's
23 happening with development or traffic that's
24 affecting everyone in kind of a larger historic
25 neighborhood. And then certainly across the City,

1 there might be different folks who care about
2 similar issues who live in different places.

3 Yeah, I think that's kind of --

4 Q. Would it be fair to say then community
5 interest is a somewhat flexible, malleable term?

6 A. I think there's a level of interpretation
7 both on a -- you know, just using an everyday
8 language versus using it, you know, as criteria,
9 for example, for redistricting, that might be --
10 might have a stricter legal definition that not
11 being a lawyer I would not want to speak to beyond
12 my knowledge.

13 Q. Well, and I'm not -- this is a term that
14 you interjected in your answer. I'm not looking
15 for a legal definition or a legal treatise. I'm
16 just looking for what your understanding, when you
17 talk about a community of interest, what would fit
18 into that community of interest and what would not
19 fit into that community of interest.

20 So I've given examples, and you haven't
21 really sort of addressed. So are you able to help
22 me figure out where the borders of what would be a
23 community interest are and -- let me stop there
24 and ask that question.

25 Are you able to sort of define what those

1 parameters are?

2 A. I think a community of interest is a
3 group that has a history or a current situation in
4 which the issues that are affecting their everyday
5 lives and their perspectives are shared. So that
6 could be living in Brickell and hearing about
7 issues that relate to Brickell. That could be
8 living along 8th Street and caring about issues
9 that relate to history and tourism along the
10 historic 8th Street. It could be living in area
11 that floods frequently. I'm not sure if that
12 would be defined as a community of interest, but
13 that is especially affected by environmental
14 factors.

15 So those examples come to mind.

16 Q. In all of those examples, there seem to
17 be a common interest that would unite the people
18 who have the concerns.

19 So when we talk about communities of
20 interest, would it be fair to say that the
21 fundamental sort of connector would be what the
22 interests are?

23 A. That makes sense.

24 Q. And is it also fair to say that when
25 we're talking about individuals, rarely are they

1 monolithic in terms of interests?

2 A. Yes. Humans and people are diverse and
3 have many interests.

4 Q. Could be interested in music, could be
5 interested in fighting global warming. You can be
6 interested in fighting fair housing. You could be
7 interested in zoning issues, preventing further
8 development. You could be interested in
9 homelessness. And it's not necessarily -- and you
10 might share some of those interests with a lot of
11 people, and you might share only some of those
12 interests with a few people.

13 Would you agree with that?

14 A. Yes. But I think in the concept of -- or
15 in relationship to where districts are, that's
16 typically going to be in a more geographic sense.

17 Q. Fair enough.

18 Fair enough. That's helpful.

19 I am going to show you a document, but I
20 am not going to mark it as an exhibit because it
21 is a large document. So I'll try to avoid that,
22 Madam Court Reporter.

23 Now, if you need a moment to look at that
24 document, I'd ask that you would review it, but
25 have you seen this document before?

1 A. I have seen it. I have read it. But,
2 again, it is quite a long document, and so it is
3 certainly not memorized.

4 Q. When was the first time that you reviewed
5 this document, if you can recall?

6 A. I believe it was when we filed the claim
7 initially.

8 Q. Let me back up.
9 What is this document?

10 A. To my knowledge, this is the complaint
11 that was filed with the court as we entered into
12 litigation.

13 Q. Let me see if I can help you out a little
14 bit. This is titled the First Amended Complaint.

15 A. Yes.

16 Q. Would that suggest that there was a
17 complaint that was filed before this one?

18 A. I believe it would suggest that.

19 Q. Do you know if anyone from Engage Miami
20 reviewed and approved this complaint before it was
21 filed?

22 A. I would have read it and communicated
23 with our legal counsel.

24 Q. Were you the primary contact for Engage
25 Miami dealing with your outside legal counsel?

1 A. I would have been the primary contact
2 representing the organization, but the individual
3 plaintiffs would have been involved as well.

4 Q. And in terms of the individual
5 plaintiffs, there's Ms. Valdes and Ms. Contreras.

6 Are there any other Engage Miami
7 employees that are plaintiffs in this litigation?

8 A. Employees, no. But we do have another
9 member who was involved.

10 Q. And who is that member?

11 A. Jared.

12 Q. Okay. And when you say "Jared," is that
13 Jared Johnson?

14 A. Yes.

15 Q. What is Mr. Johnson's role within Engage
16 Miami?

17 A. He has been a member.

18 Q. Does he hold any offices?

19 A. No offices, to my knowledge.

20 Q. He's not an employee?

21 A. No.

22 Q. Do you know if Engage Miami made changes
23 to this document before it was filed?

24 A. I don't think we were personally typing
25 in the text, but we would have communicated with

1 our legal counsel about it.

2 Q. Do you know -- did you or anyone else
3 with Engage Miami discuss this with anyone other
4 than your attorneys?

5 A. No. I don't believe so.

6 Q. If I could ask you to flip to page 5,
7 paragraph 20.

8 And paragraph 20, it states: "Plaintiff
9 Engage Miami is a nonprofit member organization
10 centering young people's participation in civic
11 engagement through members who are largely Gen Z
12 and Millennial black and Latino Miamians who
13 reside in all five districts. Founded in 2015,
14 the mission of Engage Miami is to build a more
15 just, democratic and sustainable Miami by
16 developing a local culture of civic participation
17 through young people that is bold, creative and
18 impactful."

19 Did I read that correctly?

20 A. I believe so.

21 Q. Is that a true and accurate statement
22 from your position as executive director?

23 A. Yes, it is.

24 Q. For Engage Miami, do all of its
25 members -- I guess let me back up.

1 When you refer to "Miami" in Engage
2 Miami, what is it you're referring to?

3 A. Yeah. So there's the City of Miami,
4 there's Miami-Dade County, there's the Miami Metro
5 area. So I would say Miami at large as far as it
6 relates to our mission statement, et cetera. But
7 we have historically had our offices in the City
8 of Miami, for example.

9 Q. Do its members -- do any of its members
10 reside outside Miami-Dade County?

11 A. That will happen sometimes. For example,
12 if someone becomes a member and then goes to
13 school somewhere else, they might stay engaged
14 with us because they still care about their
15 community. They can move to Broward, for example,
16 but still live and work in Miami. Kind of be
17 probably the larger Miami Metro area. But our
18 home base and most of our members live in
19 Miami-Dade or deeply connected to it. They
20 happened to have moved away.

21 Q. Do you know how many members actually
22 live within the City of Miami?

23 A. I have reviewed this number before, but I
24 don't recall the exact amount. I believe about
25 20 percent of our members live within the City

1 limits.

2 Q. And how many members does Engage Miami
3 have?

4 A. We have, I believe, 100 to 110 general
5 members and about 80 who have been active with us
6 over the past year.

7 Q. And you said 110 general members?

8 A. (Witness nods head.)

9 Q. About 80 that have been active?

10 A. Uh-huh.

11 Q. So that 80, is that a subset of the 110?

12 A. Yes. There's maybe a prior member moved
13 to school or something like that and hasn't been
14 active since.

15 Q. If I could ask you to look at paragraph
16 24. In that paragraph, it asserts: "If the
17 Enacted Plan does not enjoin by the members of
18 GRACE" -- I'm sorry -- "not enjoined, the members
19 of GRACE, Engage Miami, and the NAACP branches
20 together" -- in quote, Organizational Plaintiffs,
21 end quote -- "will be harmed by living and voting
22 in unconstitutionally racially gerrymandered
23 districts."

24 The 2022 plan that this amended complaint
25 challenges was replaced by the 2023 plan. Would

1 you agree that Engage Miami's members are not
2 harmed by the 2022 plan because it's no longer the
3 law?

4 A. I think having racially gerrymandered
5 districts for both the 2022 and the 2023 plan,
6 which is very, very similar, only a few folks were
7 changing district to district, and that also
8 happened along, you know, racially divisive lines,
9 I think both plans are harmful to our members and
10 to the residents of the City to have their
11 districts --

12 Q. How is a plan that is no longer the law,
13 can't be enforced, nobody can hold an election
14 under it because it's been repealed, how would
15 that harmful to your members now?

16 A. I think they're aware that the intention
17 of their commissioners was to divide residents of
18 a City along racial lines, and the 2022 plan
19 largely tracks with, you know, a very small
20 percentage of people shift to very small amounts
21 between districts. So they're aware that their
22 commissioner's intent was, you know, to create one
23 black, one Anglo, three Hispanic, and that that
24 was the intent that informed both plans.

25 Q. Well, I want to be clear. There's been

1 no judgment that the 2022 plan had that intent
2 that you indicated, correct?

3 A. There was a preliminary injunction, and
4 the perspective and perceptions of our members and
5 the residents relates to racial gerrymandering.

6 Q. Are you aware that a preliminary
7 injunction is not the same as a judgment?

8 A. I am.

9 Q. Okay. So my question was: There's no
10 judgment that has been reviewed -- there's no
11 judgment that's been entered by a trial court,
12 that's been reviewed by an appellate court, that
13 the 2022 plan had the intent that you referenced,
14 correct?

15 A. The case has not gone to trial at this
16 time.

17 Q. What is your understanding of what map
18 will be on trial when this case goes to trial in
19 January or February of next year?

20 A. My understanding is that we filed the
21 complaint against the 2022 enjoined map. But I
22 would want to consult with counsel to make sure
23 that I fully understand the legal processes and
24 procedures that I'm not familiar with.

25 Q. And you referenced, I think it was the

1 2022 enjoined map. I'll let you know, the
2 supplemental complaint that challenges the 2023
3 map that was passed earlier this year by the City
4 Commission. We'll talk about that in a minute.

5 A. Okay.

6 Q. What I'm talking about here is the First
7 Amended Complaint that was filed in February of
8 this year, well before the City passed the 2023
9 plan, that challenges the 2022 plan.

10 And I guess my question is: Would you
11 agree that 2023 plan replaced the 2022 plan? With
12 the caveat that I understand that you have the
13 same objections or similar objections to the 2023
14 plan, the 2022 plan. I don't want to dismiss
15 those and not talk about those.

16 But from a -- from your understanding, do
17 you think the 2022 plan is still at issue?

18 A. I think residents, voters, our members,
19 heard the dialogue about how people are being
20 divided based on race as the predominant factor
21 and are -- have been harmed by understanding that
22 that was the language used and how decisions were
23 made. In a way that race was not just merely
24 tailored to comply with the VRA, it was a major
25 factor and was discussed very openly so our

1 members would be aware of that from the language
2 that was used.

3 Q. So it sounds, then, that regardless of
4 whether they actually passed a plan, your members
5 are simply harmed by the way the commissioners
6 talked about the redistricting that needed to be
7 done?

8 A. The discussions that the commissioners
9 had informed the plan that was passed.

10 Q. The discussion that was had by the
11 commissioners for the 2022 plan was one thing; the
12 discussion that was had by the commissioners when
13 they considered and voted on the 2023 plan is very
14 different.

15 A. There's some similar elements across
16 both, talking about balancing the population by
17 race and having an Anglo district and a black
18 district and three Hispanic districts. I think
19 there was elements in both that tracked quite
20 similarly.

21 Q. Are you aware that each of the
22 plaintiff's plans has three districts that are
23 likely to elect a Hispanic candidate of choice?

24 A. I think we live in a majority Hispanic
25 city and that the factors that went into drawing

1 the plaintiff's plan were race neutral outside of
2 compliance with the VRA. So if that is the
3 outcome, then that's the outcome, but not the
4 predominant factor in how the decisions were made.

5 Q. That wasn't quite my question. My
6 question was: Were you aware that the plaintiffs'
7 plans have three districts that are likely to
8 elect a Hispanic candidate of choice?

9 A. That sounds, yeah, like a likely outcome
10 that I would be aware of.

11 Q. Are you also aware that plaintiffs'
12 plans, each of them have a district that is likely
13 to elect a black candidate?

14 A. Yes. That -- and also to make sure that
15 we comply with the Voting Rights Act too.

16 Q. And that's a special district, because we
17 have to consider race?

18 A. In that -- yes.

19 Q. And that you have a fifth district that
20 is probably the most diverse of all where no race
21 is a majority in any of the (inaudible), correct?

22 A. I'd want to triple-check and look at the
23 plan by plan. But to my knowledge, yes,
24 District -- what is traditionally District 2 is
25 more diverse and potentially doesn't have one

1 clear majority, but might have a plurality. But
2 that sounds right.

3 MR. LEVESQUE: Do we want to take a
4 break?

5 MS. MCNAMARA: It's 3:45.

6 MR. LEVESQUE: Yeah. We can go ahead and
7 take five minutes. Is that good?

8 (Off the record from 3:46 p.m. to 3:52 p.m.)

9 BY MR. LEVESQUE:

10 Q. I'll ask you to refer to paragraph 30 of
11 the complaint. That is on page 6. That paragraph
12 it says -- actually, strike that.

13 That is all I'm going to ask about that.
14 You can set that aside.

15 A. Okay.

16 Q. I'm going to provide a copy of what I
17 will reference as the supplemental complaint.
18 And, again, because of the size, I'm not going to
19 mark it as an exhibit, but we will refer to it.

20 Do you recognize that document?

21 A. Yes.

22 Q. What is that document?

23 A. It is an additional complaint filed
24 relating to the 2023 plan.

25 Q. And do you see that this document was

1 filed on September 7th, 2023, at the top in the
2 header?

3 A. Yes, I see that.

4 Q. Did you review this before it was filed?

5 A. Yes. It was shared, and I was able to
6 look through and ask any questions.

7 Q. Did you make any changes or Engage Miami
8 make any changes to this document before this was
9 filed?

10 A. I don't believe we made any edits.

11 Q. Did you discuss this with anyone other
12 than your attorney before it was filed?

13 A. I think it's possible that Lexi, Yane and
14 I notified each other that we had received it and
15 looked at it. But I don't think we discussed it
16 in-depth.

17 Q. Have you discussed it with anyone after
18 it's been filed?

19 A. No, I don't believe so.

20 Q. If I could ask you to refer to
21 paragraph 10 on page 3.

22 In that paragraph, it says: "If the 2023
23 Plan is not enjoined, the members of GRACE, Engage
24 Miami, and the NAACP branches (together, the
25 Organizational Plaintiffs') will be harmed by

1 living and voting in an unconstitutionally
2 racially gerrymandered districts."

3 How will Engage Miami's members be harmed
4 by the 2023 plan?

5 A. Members will be harmed because this plan
6 is one in which race played an outsized factor in
7 how the districts were drawn rather than base
8 neutral redistricting criteria and using race as,
9 you know, only necessary to comply.

10 Q. Now, when you say that race played an
11 outsized factor, did race change the overall
12 makeup of the districts in terms of racial
13 majorities?

14 A. My understanding is that between the 2022
15 and 2023 plan, only in very small ways were the
16 borders tweaked, and so the racial majorities are
17 for the most part similar across both plans.

18 Q. Do you have any understanding of the
19 racial majorities that are reflected in either the
20 2022 plan and the 2023 plan compared to
21 plaintiffs' alternative plans?

22 A. I would need to look at the specific
23 maps, but I think it's about, like, what were the
24 deciding factors in thinking about where the lines
25 should be drawn and was that race or was it

1 communities of interest, being compact and other
2 criteria.

3 Q. Well, I'll sort of get to the point on
4 this line of questioning. I'm having problems
5 understanding how the plaintiffs can draw four
6 maps that elect three Hispanics, one black and
7 then have a plurality district, and they're not
8 drawing racial districts. But when the City does
9 it, and they have maps that elect three
10 candidates -- or three districts that will likely
11 elect a Hispanic candidate of choice, one district
12 that will likely elect a black Hispanic candidate
13 of choice, and a plurality district, they're
14 somehow violating the constitution.

15 Are you able to explain that?

16 A. I think the outcomes of the map that the
17 plaintiffs drew ended up with those majorities in
18 different districts, but that's not why they were
19 drawn that way. They were drawn that way to
20 provide options for keeping districts compact,
21 keeping neighborhoods together. That wasn't the
22 rationale.

23 Q. You would agree that every single
24 plaintiff's map elects a black candidate of
25 choice, correct?

1 A. Under those areas, yes, that would be
2 very important.

3 Q. D-5 was drawn that way, correct?

4 A. D-5 would have been drawn to comply with
5 the VRA, but in a -- like, the narrowly tailored
6 sense of it of -- yeah.

7 Q. And in plaintiffs' plan 1, did the black
8 community like the way that the plaintiffs drew
9 D-5?

10 A. I think as you said earlier, no community
11 based on race, et cetera, is a monolith. I think
12 there was an intention to put out more than one
13 map. We put out P-1 and P-2 to get feedback and
14 input and different community members responded
15 different ways and gave input. But I think the
16 location of Overtown was a conversation that came
17 up towards those maps.

18 Q. There were a lot of people in the black
19 community that didn't like plaintiffs' plans;
20 isn't that fair?

21 A. Well, I think the members of the NAACP,
22 you know, were part of those maps, and different
23 folks have different opinions. But, yeah, some
24 black community members didn't, and that's part of
25 why we came up with plaintiff's map 3 was to

1 create an alternative based on input from
2 community members.

3 Q. Do you know if any of those plans were
4 workshopped with members of the Overtown community
5 before they were released?

6 A. I think we would have brought P-1 and P-2
7 to the community meeting to get input on them.

8 Q. But do you know if the community meeting
9 was held before plaintiffs' plans 1 and 2 were
10 released?

11 A. My understanding was that P-1 and P-2
12 were released very soon after we held the
13 community meeting and then developed P-3. But I
14 would want to double-check everything for the
15 timeline of specific dates, but I think that was a
16 rapid sequence of events.

17 Q. So it's your understanding that you held
18 the community meeting.

19 Was that community meeting in Overtown or
20 only in Coconut Grove?

21 A. We held two community meetings.

22 Q. Were both of those held rapidly before
23 plaintiffs' plans 1 and 2 were released?

24 A. I believe P-1 and P-2 had been shared for
25 discussion at those meetings. Again, I was

1 traveling at that time, but I believe P-3 was a
2 result of those meetings.

3 Q. I'm not disputing that. I'm just trying
4 to get the sequence. Because when P-1 and P-2
5 were released, my understanding is there was an
6 outcry related to Overtown that needed to be
7 addressed. So I guess what I'm trying to figure
8 out is, did those workshops happen before or after
9 P-1 and P-2 were provided?

10 MS. MCNAMARA: Objection to form.

11 You can answer.

12 THE WITNESS: I don't remember when they
13 were provided to the City. But I do -- like,
14 for my -- for Engage, like, we put out social
15 media posts as part of advertising for that
16 meeting.

17 So when they were specifically provided
18 to the City in a formal sense, I would leave
19 to counsel. But we shared the maps in
20 advance of those meetings.

21 BY MR. LEVESQUE:

22 Q. Okay. Is it fair to say that you don't
23 know if the community meetings occurred before or
24 after P-1 and P-2 were initially shared with the
25 City?

1 A. Shared with the City as, like, formally
2 filed via the Court or --

3 Q. Not with the Court. They were shared at
4 mediation, or at least one of them.

5 A. At mediation.

6 Q. One of them was shared in mediation, I'll
7 represent to you. The other one was shared at a
8 committee meeting, commission meeting.

9 A. I think I remember mediation was mid
10 June, I want to say -- yeah, the exact, like,
11 day-by-day sequence, I'm not 100 percent sure
12 which was shared at what meeting. And I was
13 traveling and on PTO throughout much of June.

14 Q. And let me back up. I believe that 1
15 was -- P-1 was shared in anticipation of
16 mediation, and P-2 would have been either the same
17 time or shortly after. But those were related to
18 the mediation process, to the best of my
19 recollection.

20 So what I was trying to figure out is, at
21 that time, not when they were filed in the court,
22 because they were all filed with the Court the
23 same time. But in terms of for consideration by
24 the City, and I assume that at the same time
25 that's when they were publicly made available, did

1 you hold your community meetings before or after
2 that?

3 A. I couldn't definitively state on, like,
4 which week exactly was what. I know that we held
5 the two meetings back to back within a two-week
6 time frame, but when exactly mediation was, I
7 would want to triple-check just the dates.

8 Q. When you discuss the five districts with
9 your members, how do you identify them?

10 A. Identify the five districts?

11 Q. Uh-huh.

12 A. Just numerically.

13 Q. Do you know when you're using numbers, do
14 you refer to them by, for example, District 5 is
15 the VRA district that is likely to elect a black
16 candidate?

17 A. Yeah. Typically reference neighborhoods
18 that might be in them or kind of point on the map
19 to the different areas.

20 Q. So for District 5, would that be the
21 Little Haiti district?

22 A. Little Haiti, Liberty City. Yeah, I
23 think we just kind of point out the general
24 neighborhoods that either currently or
25 historically have been in it. But, yes, we would

1 reference that, like, there is a VRA protected
2 district.

3 Q. If I could ask you to look at
4 paragraph 16. In paragraph 16, it says: "The
5 2023 Plan placed Plaintiffs Cooper, Johnson, and
6 Valdes, and Organizational Plaintiffs' members, in
7 districts where they are not the predominant
8 racial group."

9 For District 1, who does Engage believe
10 is the predominant racial group?

11 A. I think if you were to look at the data,
12 as, like, in the 2023 plan, it is a majority
13 Hispanic district in terms of voting age
14 population.

15 Q. And does Engage Miami have members who
16 are not Hispanic that live in District 1?

17 A. I would need to, like, look at the map
18 and the member list.

19 Q. Did anyone go through and do that before
20 this statement was filed?

21 A. District 1. We certainly have members
22 who live in District 1. I don't believe any of
23 them are individual plaintiffs. So, yes, I think
24 we would have gone through our full member list
25 and reached out to members to see if they were

1 interested in getting involved as a plaintiff.

2 Q. Is that a communication that Engage Miami
3 sent out to its members in terms of looking for
4 people who might be plaintiffs in the litigation?

5 A. My understanding is that Yane just made
6 phone calls to folks. Yeah. But there might have
7 been other communication. But to my knowledge,
8 she just reached out directly.

9 Q. Do you know if Yane actually verified, we
10 have a member in District 1 who is not Hispanic?

11 A. I know that we verified that we had
12 members in all districts and also that folks are
13 harmed, whether or not they're part of the
14 majority voting age population based on race or
15 ethnicity, knowing that they have been sorted into
16 those districts on the basis of race.

17 Q. Who did that?

18 A. Who went through --

19 Q. Who did that verification of the
20 districts?

21 A. Going through a member list and where
22 they live?

23 Q. And are they a member of the race that is
24 the majority of them all in the district?

25 A. That would have been a discussion with

1 members or potential plaintiffs.

2 Q. Okay. Who would have been a part of that
3 discussion?

4 A. I think Yane did the outreach.

5 Q. Okay.

6 A. And then they would have talked to
7 counsel to learn more about the case.

8 Q. So Yane would have been responsible for
9 verifying that Engage Miami has members in each of
10 the districts; is that correct?

11 A. Yes, I think, and with review from
12 counsel.

13 Q. And Yane would have been responsible for
14 verifying that the members that live in a
15 particular district are either part of the racial
16 majority or the racial minority in the district?

17 A. I think regardless of whether someone is
18 the racial majority or minority in a specific
19 district, they are still harmed by racial
20 gerrymandering. If they were interested in the
21 case, we would have then asked those questions.

22 Q. Sure. That's not my question.

23 A. Okay.

24 Q. I understand that you contend that your
25 members are harmed. I'm not trying to detract or

1 even attack that. I'm trying to understand right
2 now, just from a process standpoint, who in Engage
3 Miami was responsible for going through the
4 membership list and assessing, this member lives
5 in this district, and that member is black living
6 in a Hispanic district, as an example, or a
7 Hispanic living in a Hispanic district as an
8 alternative example, in the next paragraph that we
9 are going to talk about.

10 So I guess going back to my sort of
11 original question, who was responsible for
12 determining whether the members were either in the
13 racial majority in the district or the racial
14 minority in the district?

15 A. I don't know that our database has
16 everyone's race and ethnicity. I think, one, we
17 wouldn't want to make assumptions. I'm not sure
18 that we collect that information. And so I think
19 it would be a direct conversation with an
20 individual as to what they consider their race or
21 ethnicity to be.

22 Q. Did anybody do that in Engage Miami?

23 A. Any members who were interested or
24 reached out to about becoming plaintiffs, I think
25 that conversation would have happened to verify

1 their race or ethnicity if they were to move
2 forward as plaintiffs.

3 Q. Ms. Pelham --

4 A. Sorry.

5 Q. -- I'm here to try to understand what the
6 evidentiary basis is for that particular
7 statement. And so getting to that -- getting to
8 what evidence that is, is where I'm going to. If
9 nobody has done that verification, then "we don't
10 know" is a particularly useful answer if it's the
11 truth. If somebody did do it, I'd want to know
12 who that is. If somebody didn't do it, then "we
13 didn't do it."

14 Right now I'm hearing you haven't -- you
15 don't track that information, so it would be done
16 by phone calls.

17 But it goes back to, is Yane the one
18 making those phone calls?

19 A. Is this for the individual members who
20 became plaintiffs or for everyone in our
21 membership body who lives in the City of Miami?

22 Q. The sentence is: "The 2023 plan,
23 Plaintiffs Cooper, Johnson, and Valdes, and
24 Organizational Plaintiffs' members, in districts
25 where they are not the predominant racial group."

1 I've spoken with Ms. Cooper. I've spoken
2 with Ms. Valdes. I know what their testimony is.
3 You're here on behalf of Engage Miami, one of the
4 organizational plaintiffs.

5 And so the allegation is that you have
6 members in all five districts that are not members
7 of the predominant racial group in that district.
8 You've testified that not only have you seen a
9 list that would indicate that you've got members
10 in every district, but Yane also examined or was
11 responsible for doing that.

12 My question is a little finer now,
13 saying: Of those members that you verified that
14 were in a particular district, who went through
15 there and verified, this member is not a member of
16 the predominant racial group?

17 A. We verified that we had members in all
18 districts, and because they can be harmed either
19 by being in the minority or in the majority of
20 that district's predominant racial group, I don't
21 know that we went through every member who's not a
22 plaintiff on the case to verify racial and ethnic
23 identities.

24 Q. Okay. So is there anybody in the
25 organization that could tell me, without revealing

1 the name, yes, I've looked at my membership list,
2 and this person that lives in District 1 is not
3 Hispanic, I verified it?

4 A. I don't believe we keep race and
5 ethnicity in our database, so they'd need to
6 verify with each member individually.

7 Q. And did any member do that?

8 A. I don't believe so, but I'm not sure.

9 Q. Okay. And would it be the same answer,
10 then, for paragraph 17, where they say: "The 2023
11 Plan placed Plaintiffs Miro and Contreras" -- who
12 we've spoken to in this -- "and the Organizational
13 Plaintiffs' members, in districts where they are
14 the predominant racial group."

15 Has anyone gone through and verified, I
16 have a member in this district, and they are not
17 the predominant racial group?

18 A. It would be the same answer as to
19 paragraph 16. We verified we have members in all
20 districts who may or may not be in the predominant
21 racial group of that district.

22 Q. And so while -- just so I understand, you
23 verified you've got members in every district;
24 what you haven't verified is what their race is
25 and whether they are predominant or not

1 predominant in the district?

2 A. Yes. Unless they became a plaintiff, in
3 which case we -- they gave their declaration, we
4 have members of all races and ethnicities across
5 the City.

6 Q. Is it the position of Engage Miami that a
7 commissioner can only represent the members of the
8 commissions of the same race as the represented
9 members?

10 A. A commissioner should represent all
11 residents and voters in their commission district.
12 But if it is that the lines of the district were
13 drawn based on race, then there's an indication
14 that you are the representative for different
15 racial groups and a certain perception about that.

16 Q. What is your understanding of the design
17 of the districts for the City of Miami since they
18 were first drawn in 1997?

19 A. My understanding is that they went from
20 at large, and then they were moved to
21 single-member districts in 1997.

22 Q. Do you know what the makeup of the City
23 Commission is under the first City maps that had
24 single-member districts?

25 A. The makeup of the commission in terms

1 of?

2 Q. Race.

3 A. I -- I don't have the 1997 commission
4 memorized by any means, but I do know that it was
5 meant to provide representation on a
6 district-by-district level. I don't know the
7 exact race and ethnicity of the 1997 commission.

8 Q. Do you know the racial makeup of the
9 commission that resulted from the 2003 commission
10 race?

11 A. I would not specifically know the 2003
12 commissioners, but I would assume it's largely
13 similar to where we ended up in 2013.

14 Q. And what was the racial makeup of the
15 commission after the 2013 plan --

16 A. My understanding is that there were three
17 Hispanic commissioners, one black commissioner,
18 and it started off one white commissioner.

19 Q. Does Engage Miami believe that the 2013
20 plan was drawn for the purpose of electing three
21 Hispanics and one black and one Anglo?

22 A. My understanding is that since
23 single-member districts were created, the
24 intention has been to have that racial and ethnic
25 division within the City and to base districts on

1 those factors.

2 Q. Do you know when in 2015 Engage Miami was
3 incorporated?

4 A. July.

5 Q. Is there a reason Engage Miami didn't
6 file a lawsuit against the 2013 plan during the
7 2010 and (inaudible) --

8 A. I did not start as executive director
9 until 2018, so I couldn't speak to historical
10 decision-making of the organization. But I know
11 very early on, the organization was involved in
12 the City, for example, hosting a District 2
13 candidate forum and helping get out the vote for
14 the 2015 elections. But I don't think they would
15 have looked to go back multiple years before the
16 organization's founding.

17 Q. Why would Engage Miami want to focus its
18 efforts in District 2?

19 A. Let's see. In 2015, what districts would
20 have been at -- District 2 and 5? I believe, to
21 my knowledge, the current commissioner was
22 terminated, and so I think there was more energy
23 around that, because many different people were
24 running and it was more of an open seat.

25 But, again, I was not on staff in 2015.

1 That's just my memory of the forum was that part
2 of the rationale was that term limits were
3 affecting and many people were running at that
4 time. District 2 and District 5, I believe, to my
5 knowledge, have -- traditionally had the
6 disproportionately young relative to the other
7 districts in terms of voting age population.

8 Q. What districts has Engage Miami engaged
9 in -- I want to be careful because it doesn't
10 sound like you endorse candidates, but you -- your
11 election promotion activities.

12 What districts -- let me put it that
13 way -- what districts has Engage Miami engaged in
14 election promotion activities, like "get out the
15 vote"?

16 A. In all districts. So we do GOTV for
17 midterms, for the Presidential, for the August
18 local elections. And for City elections, I know,
19 for example, District 2 had a special election
20 this spring, so we did canvassing and door
21 knocking around that. And then we have produced
22 City of Miami municipal voter guides and asked for
23 responses from all candidates from any district
24 that was up for election that met our very basic
25 criteria of being active and qualified by the

1 deadline or -- so we would have done outreach.

2 Yeah. We would have done electoral work
3 in every district.

4 Q. Does Engage Miami do candidate
5 endorsements?

6 A. We have never endorsed a candidate for
7 City of Miami.

8 Q. Has it ever endorsed a candidate for any
9 other governmental election?

10 A. We have never done a public endorsement,
11 but we have shared with our social media
12 followers, et cetera, or provided communications
13 to potential voters that show where candidates
14 stand on the issues and how those might compare
15 with the young people's priorities on the issues
16 as developed by our issue platform.

17 Q. And those -- I'll call them issue
18 cards -- has Engage Miami produced those issue
19 cards for City of Miami?

20 A. For City of Miami, we have only ever done
21 501(c)(3) compliant voter guides. And so it's the
22 direct responses of the candidates to a series of
23 open-ended questions. We have never done
24 political speech in that sense. They're just
25 voter education information about candidates in

1 their own words, and candidates can choose to
2 respond or not respond. We invite everyone.

3 Q. Would you agree that whether an elected
4 official is inclined to represent someone's
5 interests really depends on the elected official?

6 A. Rephrase it a little bit.

7 Q. Sure. Putting racially gerrymandering
8 issues aside, would you agree that there are some
9 elected representatives that are more responsive
10 to their constituents, and other elected
11 representatives that are less responsive to their
12 constituents?

13 A. That seems like a generally true thing,
14 different electives will have a different level of
15 constituent engagement.

16 Q. And some of those decisions about
17 engagement are going to be driven by a wide
18 variety of interests.

19 Would you agree with that?

20 A. Sure. Yes.

21 Q. So an elected official may engage with
22 particular constituents because there are issues
23 of principle or conscience that they closely
24 identify with a particular community, and they're
25 going to do everything that they can to fight for

1 that community and fight for that community's
2 interests.

3 Would you agree with that?

4 A. I think as candidates, people run on
5 platforms and identify what their values and
6 issues are and then respond to their constituents'
7 priorities, who's contacting them, advocating for
8 what, where the candidates' values and their
9 constituents' experiences and advocacy aligns and
10 are responsive to that dynamic.

11 Q. Would you also agree, right or wrong,
12 that there are elected officials out there that
13 they're responsive to those constituencies that
14 support them and less responsive to those that
15 don't?

16 A. I think it's likely that there's elected
17 officials who think of some people as "my voters"
18 and some other folks in their constituency as less
19 aligned.

20 Q. And that may affect their responsiveness
21 for some elected officials, not necessarily all,
22 but some?

23 A. I imagine so. I've certainly never been
24 an elected official.

25 Q. Neither have I.

1 Put the supplemental complaint aside.

2 I am going to show you what we are going

3 to mark as Defendant's Exhibit 24-34.

4 (Defendant's Exhibit 24-34 marked for identification.)

5 BY MR. LEVESQUE:

6 Q. Ms. Pelham, do you recognize that
7 document?

8 A. Yes, I do.

9 Q. What is that document?

10 A. That is the declaration that was filed in
11 regard to this case.

12 Q. And did you draft this document?

13 A. I provided input and had a discussion
14 with counsel about the contents of the document
15 and signed it.

16 Q. In paragraph 6, you say: "The recently
17 enacted City Commission districts unfairly
18 classify residents of Miami and Engage Miami's
19 members on the basis of race."

20 Where you reference "recently enacted
21 City Commission districts," that refers to the
22 2022 districts, correct?

23 A. Yes. This was filed in February of 2023,
24 so it refers to the most recent map.

25 Q. Let me unpack that.

1 It was filed in February 2023?

2 A. Of the 2022 map.

3 Q. Okay. I wasn't trying to trip you up on
4 that one.

5 In there you say that it unfairly
6 classifies residents of Miami and Engage Miami
7 members on the basis of race.

8 First of all, what do you mean by
9 "unfairly"?

10 A. That race was considered a very -- like,
11 a predominant factor in saying, like, there's a
12 black district, three Hispanic districts, an Anglo
13 district, and that the intention was to separate
14 and divide communities along the lines of race in
15 a way that was not narrowly tailored.

16 Q. You agree that, at least with regard to
17 District 5, race was something that could be
18 considered in drawing District 5, correct?

19 A. Yes, under the Voter Rights Act.

20 Q. And in fact, when the plaintiffs drew
21 their districts, that's something that they
22 considered in drawing their versions of
23 District 5 --

24 A. Yes.

25 Q. -- correct?

1 A. And ensuring compliance with the VRA
2 would be a factor.

3 Q. So would that be a fair way that
4 residents could be classified by race when they're
5 complying with the Voting Rights Act?

6 A. To take into account the voting
7 population's race in order to comply with the VRA
8 is fair and legal.

9 Q. Yeah. Is it simply referring to a
10 district as a Hispanic district or a black
11 district or an Anglo district that creates the
12 predominant racial factor?

13 A. In describing the racial and ethnic
14 characteristics of a voting population is not the
15 issue, but making decisions with race and
16 ethnicity as the main factor would be unfair.

17 Q. Okay. And is it your belief, then, that
18 the City of Miami, when it was engaging in the
19 line drawing, that it used race as the main
20 factor?

21 A. That is my understanding in choosing to
22 split up neighborhoods and based on going back and
23 forth along issues of race and ethnicity.

24 Q. What neighborhoods were split in the 2022
25 plan?

1 A. I think multiple neighborhoods across --
2 across the board. Coconut Grove being one of
3 them. I think parts of Brickell, Silver Bluff.
4 And there's, like, trying to do the map to move
5 different blocks of different neighborhoods into
6 equalized population amongst the Hispanic
7 districts. I think across the board the lines
8 were drawn on -- on that basis.

9 Q. What is your understanding of why the
10 City had to redraw the maps in 2022?

11 A. As a result of the 2020 census, to
12 ensure, you know, fair representation of an
13 equal -- you know, as the population shifts and
14 grows, et cetera, to redraw district lines taking
15 in the census data.

16 Q. You referenced shifting populations
17 between the Hispanic districts.

18 Is it your contention that when the City
19 of Miami was moving population between one
20 Hispanic district and another Hispanic district,
21 they would consider race?

22 A. My understanding is that they were trying
23 to optimize and balance the distribution of
24 Hispanic voters amongst those districts.

25 Q. Did Engage Miami attend all of the City

1 Commission meetings where redistricting was
2 discussed?

3 A. I'm not sure if we had presence at every
4 single one. I believe most of them, but we may
5 have missed one or two. I would need to
6 double-check with staff their calendars.

7 Q. Are you aware that the City Commission
8 specifically discussed and rejected the idea of
9 drawing compact districts?

10 A. I don't believe that's how I would
11 describe the conversation, but that race
12 predominated over that consideration.

13 Q. I -- I wasn't asking -- are you aware
14 that any City Commission meeting, they discussed
15 whether compactness should be one of the
16 requirements for consideration and expressly
17 rejected including compactness as a requirement
18 for the map drawing to consider? Are you aware of
19 that?

20 A. I certainly remember reviewing the public
21 meetings and reading the media articles, but I
22 don't recall specifically enough to affirm yes or
23 no.

24 Q. Okay. Well, if you can't affirm yes or
25 no --

1 A. I don't know.

2 Q. -- that would mean "I don't know" or "I'm
3 not aware."

4 A. I don't remember.

5 Q. Were you aware that their directive to
6 the map drawer was to keep those community
7 interests -- communities of interest together
8 where feasible?

9 A. That sounds correct. I remember seeing
10 the criteria.

11 Q. Would you agree that simply dividing the
12 City in a way that just happens to result in maps
13 that have three districts that are super majority
14 Hispanic, one district that is likely to elect a
15 black candidate that complies with the VRA, and a
16 plurality district where no minority or racial or
17 ethnic group is a majority, if that's just the
18 result, that's not a problematic map, is it?

19 A. If race neutral criteria and VRA
20 compliance are the main factors, and that ends up
21 being the outcome, my understanding is that that
22 would be just a result of applying those criteria.

23 Q. Were you aware that the City's directive
24 to its map drawers were to maintain the core of
25 existing districts?

1 A. I was.

2 Q. Do you believe that is a problematic
3 directive to their map drawers?

4 A. I believe that some of the discussion
5 about maintaining the core of the districts
6 relates to why those districts were drawn that way
7 in the first place, which is having a black
8 district, Hispanic districts and Anglo or no -- no
9 majority district.

10 Q. What district is the Anglo district?

11 A. District 2.

12 Q. Were you aware that the map drawer
13 rejected the idea that they should refer to that
14 as the Anglo district?

15 A. I do not know exactly how the map drawer
16 referred to it, but I do know that the dialogue on
17 the dais often refers to it as the Anglo district.

18 Q. Okay. Do you know why that might have
19 been?

20 A. I think to differentiate it from Hispanic
21 districts of, you know, white, non-Hispanic voters
22 having a larger percentage in that district
23 relative to the other districts.

24 Q. Is that a result of the race of the
25 person generally elected from that district,

1 historically?

2 A. There have been Japanese Americans. The
3 current commissioner is Colombian American. But
4 historically, I believe Mark (inaudible) in office
5 would have been prior to Ken Russell. I can't
6 state the intentions of the commissioners, but I
7 believe it's a reference generally to who has been
8 elected and who the elector is.

9 Q. Do you know if Commissioner Russell ran
10 as a Japanese American?

11 A. I don't think he's ever been unclear
12 about his identity and relationship to that. I
13 don't think that was the prominent part of his
14 platform, to my knowledge, but I don't think it
15 was hidden either.

16 Q. Would you agree that there's a difference
17 between running in a district if Mr. Russell had a
18 Japanese name for his last name versus Russell?

19 A. A difference in terms of electability?

20 Q. How voters might perceive or react?

21 A. I couldn't definitively say.

22 Q. Are you aware that some people who run
23 for office might change their last name or use a
24 Hispanic surname if they're running for office
25 and --

1 A. I'm aware -- I'm aware that that is a
2 trend.

3 Q. Okay. So sometimes in a district, the
4 last name can matter?

5 A. Candidates may be aware that voters may
6 take into consideration any identifiers that might
7 indicate alignment amongst identity.

8 Q. Did you discuss your declaration with
9 anyone before you signed it, other than your
10 attorney?

11 A. Other than attorneys. I believe I
12 discussed with the individual plaintiffs who were
13 on staff that we received the declaration, that we
14 reviewed them. But I don't believe beyond just
15 discussing that aspect that it's been shared.

16 Q. I am going to show you what we are going
17 to mark as Defendant's Exhibit 24-14.

18 (Defendant's Exhibit 24-14 marked for identification.)

19 THE WITNESS: Thank you.

20 BY MR. LEVESQUE:

21 Q. And I will represent to you that that is
22 a transcript of the Miami City Commission meeting,
23 February 25th meeting, 2022, and the excerpted
24 pieces of that are a presentation or statement
25 provided by Ms. Valdes to the City Commission.

1 First, let me ask, have you seen this
2 document before?

3 A. I have not seen this document, no.

4 Q. I will give you an opportunity to read
5 it. My questions will only relate to Ms. Valdes'
6 statement, which starts on page 19 -- I'm sorry --
7 line 19, page 27 and continues to line 18 of 28.

8 A. (Witness complies.)
9 Okay.

10 Q. Again, Ms. Valdes is the -- and I'm
11 sorry, is it Valdes or Valdes?

12 A. Valdes.

13 Q. Valdes. I'm not intentionally --
14 Ms. Valdes is communication director?

15 A. Director of organizing and advocacy.

16 Q. Okay. Sorry.

17 Did Engage Miami authorize her to be
18 present and speak at this City Commission meeting?

19 A. I know that we discussed it in advance.
20 I encouraged her to attend as many as she could
21 and to let other members and staff know about them
22 and to be engaged in the process.

23 Q. Was she appearing on behalf of Engage
24 Miami as part of this process?

25 A. I think she was representing herself as

1 an individual with the knowledge that she has from
2 Engage Miami and her workplace.

3 Q. So she wasn't appearing on behalf of
4 Engage Miami in an official capacity?

5 A. This is part of her work, yes.

6 Q. Okay. So it would have been an official
7 capacity?

8 A. Yes, I think so.

9 Q. On page 28, beginning on lines 3, running
10 through line 7, she says: "I appreciate the
11 mention that some of these meetings are already
12 taking place. However, we as an organization
13 follow this process very carefully, and we've
14 actually not been aware of the community meetings
15 that have happened." Let me stop there.

16 Do you know what community meetings she's
17 talking about?

18 A. My belief is that she was referencing
19 community meetings that the City had held to get
20 input and that she believed that they were not
21 publicized or shared widely enough.

22 Q. Do you know how the City notices its
23 community meetings?

24 A. I believe there's legal standards for the
25 City to provide notice.

1 Q. Are you aware of whether any of the
2 community meetings did not meet the legal
3 standards?

4 A. I am not aware of that. Yes, that --
5 yes. I think the intention there was that they
6 should have been more widely advertised beyond
7 just meeting the legal standards so that more
8 community members were involved.

9 Q. Other than advocating for greater
10 publicity, and I don't want to diminish what she's
11 advocating for and the importance of it, but other
12 than advocating for greater publicity for the
13 community meetings, was she making a particular
14 request of the commission meeting -- or City
15 Commission at that time?

16 A. She is also uplifting the harm that is
17 caused by splitting neighborhoods.

18 Q. And where does she do that in this
19 statement?

20 A. Are you talking about in the specific
21 lines that you had referenced previously?

22 Q. Or anywhere in between.

23 A. Line 20 to 21 specifically says like
24 uplifting the harm that splitting neighborhoods
25 will have.

1 Q. Do you know if it's possible to draw the
2 City of Miami without splitting some
3 neighborhoods?

4 A. Neighborhoods have different definitions,
5 like, micro to, you know, larger neighborhoods.
6 But I think, in general, that the intention should
7 be to do that as little as possible. But it might
8 not be 100 percent possible to never ever split a
9 neighborhood.

10 Q. And whether even if you do it, I think
11 you alluded to, even if you claim to have done it
12 perfectly, somebody might bicker with your
13 definition of neighborhood and say, no, you still
14 split my neighborhood because my neighborhood has
15 a line going through it because I have a different
16 boundary, correct?

17 A. Yes. It would be possible that people
18 have a different definition of neighborhood.

19 Q. In fact, when it comes to the plaintiffs'
20 view of 2023, the 2023 plan, they disagree with
21 Mr. De Grandy's definition and the City's
22 definition of Overtown, correct?

23 A. Yes. As stated in the amended
24 complaint.

25 Q. Ms. Pelham, I am going to show you

1 document 24-16. We will mark that as Defendant's
2 Exhibit 24-16.

3 THE WITNESS: Thank you.

4 (Defendant's Exhibit 24-16 marked for identification.)

5 BY MR. LEVESQUE:

6 Q. I will represent to you that this is a
7 City Commission transcript from March 11th, 2022,
8 and, again, it is an excerpt of Ms. Valdes'
9 statement to the City Commission beginning on
10 line 23, page 77.

11 A. Okay.

12 Q. Have you seen this document before today?

13 A. I have not seen the document, no.

14 Q. Was Ms. Valdes' appearance at the City
15 Commission meeting on March 11th, 2022, also in
16 the performance of her duties with Engage Miami?

17 A. Yes. Attending would have been part of
18 her workday.

19 Q. And when you say "attending," is getting
20 up and speaking also a part of that
21 responsibility, just like it was for the
22 February 25th meeting?

23 A. I think she's speaking as an individual
24 with reference to her work at Engage Miami, and
25 that we encourage people to speak and provide

1 public comment.

2 Q. On lines 12 to 14, she says: "And I also
3 want you to consider the alternative plans for the
4 redistricting that really keeps Coconut Grove
5 together in District 2 and also keeps the portions
6 of District 5 together that should be together so
7 thank you so much for your time."

8 The punctuation does not always make it
9 in there.

10 Was she speaking in an individual
11 capacity or in her capacity as the director for
12 Engage Miami?

13 A. I think she was giving comment as an
14 individual with the knowledge of the work of
15 Engage Miami and that we were promoting keeping
16 Coconut Grove together as an organization.

17 Q. And was Engage Miami's wish that Coconut
18 Grove be kept together or was it Engage Miami's
19 wish that Coconut Grove be kept together
20 specifically in District 2?

21 A. I think it was our wish that
22 neighborhoods not to be split and that community
23 input about not splitting communities of interest
24 would impact the decisions made, and that there
25 was a lot of advocacy about keeping Coconut Grove

1 together in District 2 from residents, and that we
2 wanted the commission to consider that testimony
3 seriously.

4 Q. But if the City Commission said, you
5 know, Engage Miami, we hear you. All the
6 residents from Coconut Grove, we hear you. We're
7 going to keep Coconut Grove whole, we're just
8 going to put it in District 4.

9 Would that have satisfied, all other
10 things being equal, would that have satisfied
11 Engage Miami for the purposes of keeping it?

12 A. I don't think we had a specific stance to
13 that level on the issue. I think, more broadly,
14 we wanted to advocate and encourage residents to
15 advocate for not splitting up neighborhoods and
16 using fair districting and community input to
17 inform the mapmaking process.

18 Q. Are you aware of anyone from Engage Miami
19 that advocated for Coconut Grove to be kept whole
20 but put in District 4?

21 A. I don't remember if that would have ever
22 come up. It's -- I don't remember someone
23 specifically advocating for that, but it might
24 just be my memory thinking back.

25 Q. Do you know if anybody advocated for

1 keeping Coconut Grove whole but putting it in a
2 district other than District 2?

3 A. I do not remember if anyone from Engage
4 Miami would have spoken to that, but it is
5 possible. I don't think anyone actively advocated
6 that that should be the solution.

7 Q. And there's -- the sentence continues:
8 "And also keeps the portions of District 5
9 together that should be together so thank you so
10 much for your time."

11 What are the portions of District 5 that
12 should have been kept together?

13 A. Let's see. This was March of 2022. I do
14 not recall specifically, and I can't tell from the
15 transcript itself what specific portions Yane
16 would have been referencing in her public comment
17 here.

18 Q. Would it have included historically black
19 Overtown?

20 A. I would need to get her to confirm what
21 was intended there.

22 Q. So -- and I apologize, I just don't
23 remember. Was she speaking on behalf of Engage
24 Miami in this statement or not?

25 A. My understanding is that she was speaking

1 as a resident of District 2 and a resident of the
2 City with reference to her work at Engage Miami.

3 Q. I'm now going to show you what we're
4 going to mark as Defendant's Exhibit 82-2.

5 (Defendant's Exhibit 82-2 marked for identification.)

6 THE WITNESS: Thank you.

7 BY MR. LEVESQUE:

8 Q. Now I'll represent to you that this is a
9 meeting transcript of the June 14th, 2023 Miami
10 City Commission meeting.

11 Do you recognize that document?

12 A. I have not seen this transcript before.

13 Q. Okay. I think earlier you had indicated
14 that you had reviewed some of the videos of the
15 commission meetings; is that correct?

16 A. From the original process, but not from
17 this June 14th meeting.

18 Q. So not only have you not read the
19 transcript, you never watched the video of that
20 meeting?

21 A. Of this specific meeting, I don't believe
22 I reviewed the video.

23 Q. And you weren't present for the video
24 either?

25 A. No. Yane was representing the

1 organization. I was traveling.

2 Q. Did you ever attend any of the City
3 Commission meetings for the district?

4 A. I personally did not, no.

5 Q. Is Ms. Valdes appearing on behalf of
6 Engage Miami in her statement that she's making
7 here?

8 A. Yes, she is.

9 Q. Do you know if this is a statement that
10 she wrote or that she worked on with anyone from
11 Engage Miami?

12 A. I believe that before I left on my trip
13 we discussed just some of the main content that
14 she would want to share and some of the main
15 points, but I don't know if, you know, the text of
16 it was shared with anyone else in advance besides
17 counsel.

18 Q. I don't want to know about the
19 conversations with counsel.

20 Who else in Engage Miami might have been
21 a part of those communications or conversations?

22 A. Again, I was traveling -- I was gone for
23 about three weeks in June. My -- I would assume
24 that Lexi Contreras, who was both an individual
25 plaintiff as well as her senior communications

1 manager, would have been involved in discussions
2 about the lawsuit, and potentially our deputy
3 executive director, Nora, but more so just for,
4 like, updates and coordination rather than input
5 on a statement.

6 Q. Would those conversations or
7 communications all been conducted by phone or
8 would they have also involved e-mail?

9 A. We typically just do calls and meetings
10 to discuss. We don't e-mail a lot internally.

11 Q. What about text?

12 A. We really don't text each other. We just
13 have calls.

14 Q. On page 8, it says: "We sent a letter
15 last month that we continue to stand by with two
16 proposed maps that present a new vision for
17 Miami."

18 A. Page 8?

19 Q. I'm sorry. Page 6, line 8 and 9.

20 A. Lines 8 and 9.

21 Okay. Yes.

22 Q. Is it fair to say that the two maps that
23 you're -- or that Ms. Valdes was referencing there
24 are plaintiffs' plans 1 and 2?

25 A. Yes.

1 Q. So would it also be fair to assume that
2 at least at that time plan 3 doesn't exist?

3 A. It says: "Yesterday we shared a new map
4 incorporating community feedback and input." So I
5 assume that's P-3.

6 Q. And "community feedback," is that a
7 polite way of saying criticism?

8 A. It could be, but I think, more broadly,
9 it's about the meetings that we had and sharing
10 them publicly and getting some input. So some
11 might be criticism, some might be excitement.

12 Q. The end result is you significantly
13 revised District 5 in map 3, correct?

14 A. Yes. I believe the Overtown being
15 related to the District 5.

16 Q. On line 9, Ms. Valdes makes the
17 statement: "One that moves us forward rather than
18 holds us back."

19 How did plaintiffs' plans 1 and 2 move
20 the City forward?

21 A. Any good new vision for Miami that moves
22 us forward is not having district maps where race
23 predominates as a factor, but rather maps and a
24 vision for Miami that follow race neutral district
25 criteria, incorporate community input and comply

1 with the VRA.

2 Q. Have you ever discussed how the City
3 districts are drawn for political purposes with
4 anyone other than your attorneys?

5 A. My understanding is that they're
6 non-partisan elections. Are you talking about in
7 terms of partisanship, political purposes?

8 Q. They're non-partisan elections, but
9 currently there are three Republican Hispanics,
10 and there's a black Democrat -- I mean, there's a
11 black Colombian American elected to District 2
12 that's a Democrat.

13 My question is more along the lines of to
14 the extent that politics, not partisanship, not
15 whether they've got an R or a D or an I after
16 their name, or some other party affiliation, but
17 politics, sometimes that might align with a
18 particular party, sometimes you extend a little
19 bit farther.

20 So when it comes to politics, ideology,
21 are you aware that if districts have been arguably
22 designed to favor people in a more conservative
23 versus a more progressive?

24 A. I think when we've talked about the
25 redistricting process, we really just talked about

1 racial gerrymandering. I'm aware that there have
2 been conversations about political gerrymandering
3 that I think commissioners brought up. But --
4 yeah, to my knowledge, that's not something that
5 has been part of our communications.

6 Q. When you reviewed the plaintiffs' plans
7 that were proposed in this, were you ever made
8 aware that the plaintiffs' plans were electing
9 three Hispanics, might elect a more liberal
10 Hispanic that might tip the balance of the City
11 Commission?

12 A. I don't think I would have reviewed,
13 like, ideological data as it relates to the
14 plaintiffs' maps.

15 Q. What about election data?

16 A. I think when we look at election data, we
17 have such a low turnout, it's often like 11 to
18 15 percent.

19 So, yeah, we -- I think the thing that we
20 talk about is, like, how low youth voter turnout
21 is in municipal elections and the impact that that
22 has, that it tends to be older folks or, you know,
23 homeowners who are more established folks, rather
24 than young people who are more transient or less
25 informed about elections.

1 So you look at, like, who the elector is
2 and who turns out to vote, I think definitely
3 disparities about age.

4 Q. Is it your testimony that Engage Miami,
5 in considering and proposing plaintiffs' plans,
6 never considered the political performance of the
7 maps from the proposed maps that it proposed?

8 A. The plaintiffs' maps were not drawn to
9 get to a political impact. They were drawn to
10 follow, you know, the race neutral and district
11 criteria and VRA compliance.

12 Q. You would agree that community feedback
13 is important in drawing redistricting plans,
14 correct?

15 A. Yes.

16 Q. Okay. On line 14 to 15, Ms. Valdes is
17 describing plaintiffs' maps: "All the maps that
18 we've submitted feature compact and logical
19 districts that respect neighborhoods, follow major
20 geographic boundaries, and preserve genuine
21 communities of interest."

22 Would you agree that in plaintiffs'
23 plan 3, Overtown is still split?

24 A. I think to answer that some of the
25 discussion about what specifically defines

1 Overtown. But my understanding is that in P-3, we
2 reunited much of Overtown that had previously been
3 in the enjoined plan with the rest of District 5.

4 Q. The keyword there was "much of Overtown."

5 But there were still parts of Overtown
6 that were excluded from District 5, correct?

7 A. I think it might depend on specifically
8 what your definition of Overtown is.

9 Q. Would you agree that they were -- the
10 plaintiffs were sufficiently convinced that they
11 didn't get everything because they didn't do a
12 revision for plaintiffs' plan 4?

13 A. Say that again?

14 Q. That in plaintiff's plan 4, they
15 attempted to capture all of Overtown or what
16 plaintiffs believe all of Overtown is?

17 A. On a neighborhood-by-neighborhood basis,
18 I don't have a perfect memory of how that
19 happened. But I believe the intention was to
20 respond to feedback to include as much of Overtown
21 as possible.

22 Q. Were you aware that plaintiffs' maps had
23 the highest percentage of white voting age
24 population in District 2 of all the maps?

25 A. Plaintiffs' map -- P-3 or P-4 or --

1 Q. All of them?

2 A. All of them. And of all the maps, you
3 mean relative to the cities that they pass in '22
4 and '23?

5 Q. That's correct.

6 A. I have not been specifically aware of
7 that to my knowledge.

8 Q. Would that surprise you?

9 A. I think it's just about following, like,
10 the geographic boundaries and going up to
11 36th Street. And I know that, like, we live in
12 a -- there's been a lot of people moving into
13 Brickell, for example, and parts of District 2.
14 So I guess I would say I was not specifically
15 aware.

16 Q. Would you agree that the City of Miami is
17 somewhat racially segregated based upon where
18 people live?

19 A. Yes, I think the history of redlining and
20 zoning in the City as well as immigration patterns
21 has led to a very diverse City that can sometimes
22 have people of different races and ethnicities in
23 different areas.

24 Q. Where geography is an important feature
25 in drawing districts, following that geography,

1 for example, might result in -- by following those
2 natural boundaries that you talked about, might
3 result in a district having a higher white voting
4 age population.

5 If the map drawers aware of that, is that
6 improper?

7 A. I think if the predominant factor is
8 following geographic boundaries and staying
9 compact and keeping neighborhoods together, and
10 the end result is a level of racial
11 differentiation between districts, the map drawer
12 might be aware that that is a potential outcome,
13 but not the rationale for why decisions were made
14 the way that they were.

15 Q. What if they hide behind that race
16 neutral explanation of, well, we're just following
17 geographic boundaries, but the reason why they're
18 following the geographic boundary is that boosts a
19 particular racial or ethnic population in a
20 particular district.

21 Would that be a problem?

22 A. The reason that they were following that
23 particular geographic boundary was because they
24 were aware of the race-based separation that would
25 result from that?

1 Q. Yes.

2 A. I think if that was the predominant
3 factor in making those decisions, then that would
4 still be race being used in improper ways.

5 Q. When you are aware that when the City
6 Commission was considering how to draw some of the
7 boundaries of District 5 for the 2023 plan, there
8 was a not insignificant discussion of a barbecue
9 place --

10 A. I do remember --

11 Q. -- as to whether it should be within
12 District 5 or outside of District 5.

13 A. I do remember that was a topic that came
14 up, but I don't remember all the specifics.

15 Q. Okay. When commissioners are talking
16 about those types of things, do you believe that
17 type of subject matter is indicative of race-based
18 dis- --

19 A. Having specific businesses in a specific
20 district, is that the --

21 Q. Yes.

22 A. I think that could be very situational.

23 Q. Okay.

24 A. I couldn't answer more generally.

25 Q. One of the things that Commissioner King

1 wanted in her district was what she has referred
2 to as an economic engine, referring to portions of
3 the downtown area.

4 Do you believe that the City Commission's
5 decision to see to her request and give the
6 portions of downtown as reflected in both
7 race-based decision-making based upon her
8 indication that she wanted portions of downtown or
9 be an economic driver of the district?

10 A. I couldn't speak to that specifically.

11 Q. Line 19 on page 6, Ms. Valdes says, "It
12 also keeps other key neighborhoods unified like
13 Flagami, Edgewater, Allapattah and Shenandoah."

14 Are you aware of anyone that testified
15 that Flagami needed to be kept whole in one
16 district?

17 A. I am not specifically aware of an
18 individual who testified to that to my memory.

19 Q. For an organization like Engage Miami
20 that values public input, does it make sense to
21 combine Flagami into a single district when that
22 area has been divided between District 1 and
23 District 4 since the time individual districts
24 were drawn?

25 A. I think if you think about compactness

1 and communities of interest and keeping
2 neighborhoods together, that it would make sense
3 to unite that. It's kind of like that finger of
4 land that goes out west, and to have that in one
5 district makes a logical sense under those
6 criteria.

7 Q. Okay. But those are your criteria as
8 Engage Miami. The City Commission rejected
9 compactness, so let me take that off the table.

10 What if the residents of Flagami liked
11 having two commissioners on the district versus
12 one that could address their issues. What if they
13 preferred having their neighbors split --
14 neighborhoods split to boost their influence on
15 the City Commission, where you only need three
16 votes to make something happen.

17 Why would you give them something that
18 nobody asked for in your plans?

19 A. Well, in our plans we submitted plans
20 that do feature compact and logical districts. So
21 our criteria might look a little different than
22 the City's directive to the map drawer.

23 Q. So that means you're essentially giving
24 portions of the district something that not only
25 did nobody ask for, they may not want it; would

1 you agree?

2 A. Different residents might have different
3 opinions about what they would like to see for
4 redirecting.

5 Q. That's why we have elections, isn't it?

6 A. We have elections so that we have a
7 democracy and the public have input into who their
8 elected officials are.

9 Q. And nobody from Engage Miami is an
10 elected official; is that fair?

11 A. That is correct.

12 MR. LEVESQUE: Now might be a good time
13 to break if you need one. Otherwise I can
14 roll right in, whatever your preference.

15 MS. MCNAMARA: You want a break?

16 THE WITNESS: How long would you
17 estimate?

18 MS. MCNAMARA: It's 5:25.

19 MR. LEVESQUE: Yeah. I think maybe 45
20 minutes.

21 THE WITNESS: Okay. Let's take a break.

22 (Off the record from 5:25 p.m. to 5:30 p.m.)

23 BY MR. LEVESQUE:

24 Q. Ms. Pelham, I am going to show you what
25 we are going to mark as Defendant's Exhibit 24-83.

1 (Defendant's Exhibit 24-83 marked for identification.)

2 BY MR. LEVESQUE:

3 Q. Have you seen this document before?

4 A. Yes, I had seen this plan before.

5 Q. Now, in looking at this plan, I want to
6 discuss a few of the features. We'll start with
7 District 3. There's a little area called Natoma
8 Manors that has a little purple foot that goes
9 down underneath District 4 and into District 2.

10 Do you see that area?

11 A. I do, yes.

12 Q. What is your understanding of why that
13 area was drawn in?

14 A. My understanding was that this kind of
15 carve-out doesn't really follow the geographic
16 borders that kind of would otherwise make sense,
17 were to accommodate commissioner's wishes about
18 including specific areas in the district that they
19 currently represent.

20 Q. Do you know if it would be an acceptable
21 redirecting criteria before July 1st, 2023, for
22 City Commissioners to consider where they live in
23 one of the districts?

24 THE REPORTER: I apologize. Could you
25 repeat the last half of that?

1 MR. LEVESQUE: Sure. And actually I'll
2 go ahead and rephrase it. Counsel didn't
3 object, but I didn't like it.

4 BY MR. LEVESQUE:

5 Q. Would you agree that considering where a
6 commissioner resides would have been acceptable
7 redistricting criteria for drawing the City map
8 when this plan was drawn?

9 A. I couldn't speak to the legality of that.
10 I don't have expertise on that.

11 Q. Well, you've talked a lot about
12 traditional redistricting criteria, correct?

13 A. Yes.

14 Q. And you've talked about following
15 geographic boundaries as a traditional
16 redistricting criteria; is that correct?

17 A. Yes.

18 Q. And you would recognize keeping
19 communities of interest whole as a traditional
20 redistricting criteria?

21 A. Yes.

22 Q. Would you agree that keeping the core of
23 existing districts is a traditional redistricting
24 criteria?

25 A. When appropriate, yes.

1 Q. And -- well, when you say "when
2 appropriate"?

3 A. There may be times that you need to shift
4 where a district is in order to meet other
5 criteria.

6 Q. Sure.

7 A. These are all balanced.

8 Q. And when you're talking about any of
9 these criteria, no criteria is necessarily
10 supreme, correct?

11 A. Constitutionality would be supreme. But
12 of those criteria, they should be in balance with
13 each other and with the specific conditions of the
14 political body or a city or municipality.

15 Q. We haven't mentioned any constitutional
16 criteria of the three or so that we mentioned,
17 correct?

18 A. As an overarching framework for all of
19 those.

20 Q. But if the City Commission wanted to
21 prioritize keeping communities of interest whole
22 over, say, following geographic boundaries, they
23 could do that, could they not?

24 A. I believe -- my understanding of that
25 commission prioritizes amongst those criteria to

1 give direction.

2 Q. And in terms of prioritizing, one of the
3 things that may have been prioritized was
4 respecting where commissioners reside; is that
5 fair?

6 A. I don't recall that being on the list of
7 criteria, but it may have been in the public
8 discourse about where commissioners reside. But I
9 don't recall specifically.

10 Q. Do you know if the plaintiffs' plans
11 attempted to keep commissioners generally in their
12 own districts versus pairing them?

13 A. Versus pairing them?

14 Q. Pairing them. For example, they tried
15 not to draw a district where both -- two
16 commissioners would be in District 5?

17 A. In our discussions of the plaintiffs'
18 maps, I don't think that was one of the main
19 things that we would have discussed, to my
20 recollection.

21 Q. Are you aware that in that little foot in
22 District 3, that Commissioner Carollo has a house
23 there?

24 A. I am via media reports, yes.

25 Q. The media reports?

1 A. The Herald, WORN, folks talking about it.

2 Q. Those are major news outlets in Miami.

3 A. They are, yes.

4 Q. And so a lot of people knew that
5 Commissioner Carollo had a house in that little
6 foot, correct?

7 A. I would say many people knew, yes.

8 Q. Okay. Are you aware of whether -- so
9 that would be a reason that has nothing to do with
10 race as to why Commissioner Carollo might want
11 that little area in his District 3; would you
12 agree?

13 MS. MCNAMARA: Objection to form.

14 THE WITNESS: That could be a factor in
15 why one commissioner might have preferences.

16 BY MR. LEVESQUE:

17 Q. Okay. Is there a race-based reason for
18 why that is drawn that way that Engage Miami
19 believes is the real reason?

20 MS. MCNAMARA: Objection to form.

21 THE WITNESS: I think overall the
22 districts were drawn as different populations
23 were kind of sliced and diced to achieve
24 outcomes that were race predominated.

25 BY MR. LEVESQUE:

1 Q. When you say "achieve outcomes that were
2 race predominated," what do you mean by that?

3 A. Where there's a black district, three
4 Hispanic districts and an Anglo and/or no majority
5 district.

6 Q. Is there any other way to draw the
7 districts where that doesn't result?

8 A. In theory, possibly. I would need to
9 look at different possible maps. But where that's
10 not the predominant criteria, yes, I think it is
11 viable to keep districts more compact and keep
12 neighborhoods together and prioritize that over
13 slicing and dicing where people are in districts
14 based on their race.

15 Q. If there is a way, you would agree the
16 plaintiffs have not proposed that map yet,
17 correct?

18 A. They proposed a map that meets the
19 criteria like as we lay out in Yane's statement of
20 the June 14th meeting.

21 Q. Yane's statement says, you don't pack
22 Hispanics in any of the districts, correct?

23 A. Where the distribution of Hispanic voters
24 has not been in the criteria used to draw those
25 districts.

1 Q. Would you agree that no matter how you
2 draw the lines, even if you're following
3 geographic borders, even if you're keeping
4 communities of interest whole, even if you do it
5 for everyone, you're still making racial
6 divisions? That's the nature of drawing the line,
7 there's got to be somebody on one side and there's
8 got to be somebody on the other, correct?

9 A. Could you repeat the statement?

10 MR. LEVESQUE: Madam Court Reporter,
11 could you read that back?

12 (Question read by the reporter.)

13 THE WITNESS: I would say in that
14 circumstance you're not making racial
15 decisions, that you're making decisions that
16 may lead to outcomes.

17 BY MR. LEVESQUE:

18 Q. And I think there might have been
19 something with the audio. I thought I said
20 divisions, but if I said decisions --

21 (Question read by the reporter.)

22 MS. MCNAMARA: Do we want to re-present
23 the question so that the witness can answer
24 that question?

25 MR. LEVESQUE: Sure. And maybe I can

1 clean it up.

2 BY MR. LEVESQUE:

3 Q. Ms. Pelham, would you agree that
4 regardless of how you draw the lines, there are
5 always going to be divisions of people with some
6 of one race on one side and some people on the
7 other?

8 A. Different districts will necessarily have
9 different proportionalities, you know, based on
10 race or ethnicity, depending on where you draw the
11 lines.

12 Q. And in fact, for the plaintiffs' maps,
13 they have a district with the highest minority
14 population all crammed into a single district of
15 any map that is considered -- has been proposed in
16 this litigation?

17 MS. MCNAMARA: Objection to form.

18 MR. LEVESQUE: What's the form objection?

19 MS. MCNAMARA: There's some assumptions
20 in there that are not based on -- I mean, I
21 don't want to argue about it.

22 MR. LEVESQUE: Okay.

23 BY MR. LEVESQUE:

24 Q. Are you aware that every single one of
25 the plaintiffs' maps has a Hispanic district that

1 is at least 95 percent voting age population or
2 higher?

3 A. A voting age population, that's at least
4 95 percent Hispanic or higher?

5 Q. Yes.

6 A. I do not know that specific fact
7 necessarily. I'm sure when we originally reviewed
8 the maps, we saw demographic data. But I think
9 that's also City of Miami is majority Hispanic.

10 Q. Do you know what the Hispanic population
11 for the City is?

12 A. I believe it's somewhere around
13 60 percent, but it could be higher or lower. I
14 don't recall a specific number. Could be up to
15 70. Or I could be incorrect.

16 Q. Let's assume that it's somewhere between
17 60 and 70.

18 Do you believe drawing a district would
19 95 percent Hispanic population is proper?

20 A. If a district is drawn to be compact and
21 keep communities of interest together and be
22 contiguous, and that's the end result, then that
23 might be the end result.

24 Q. But it also could be packing?

25 When I use the term "packing," do you

1 understand how I use the term?

2 A. Yeah. I think packing is when you're
3 intentionally bringing people into that district
4 in order to artificially increase based on race,
5 which is I think different than having an outcome
6 which there's a high concentration of folks based
7 on their race or ethnicity.

8 Q. So is it your testimony that Engage Miami
9 did not intend to pack Hispanic residents into
10 that western district to diminish their influence
11 elsewhere?

12 A. Yes. We would not have intended to pack
13 people into a district based on their race or
14 ethnicity.

15 Q. And how are we to know that?

16 A. Well, in part, I think there's just a
17 logic of that. That very westward finger, that is
18 kind of isolated from the rest of the City being
19 in a district, so keeping it geographically
20 compact. And, yeah, that's -- that's simply not
21 an objective to pack folks. We're -- we're
22 opposed to that.

23 Q. Well, are you opposed to keeping a
24 coastal district, that is in a coastal district
25 since 1997, a coastal district?

1 A. I don't think a coastal district -- I
2 mean, the whole City of Miami is on the coast, and
3 so if that district were more compact or longer, I
4 don't think Engage Miami has a -- let's say that
5 it's necessary, that there's only one very long
6 skinny coastal district all the way up the coast
7 just because that's traditionally been the case.

8 Q. Wouldn't that be a community of interest?

9 A. It could be, but it would be in balance
10 with it being compact.

11 And I would also say that regardless of
12 physically where you are, we all are affected by
13 flooding and sea level rise and environmental
14 protection and the bay as an economic driver of
15 the City as a whole. I don't think one long
16 skinny district necessarily needs to be the way to
17 draw that.

18 Q. But if a geographic feature has been
19 inculcated in the districts for 25 years, would
20 you agree that's not a decision that you should
21 probably set aside lightly?

22 A. My understanding is that District 2 has
23 shifted over the years and used to go up even
24 further and that making it more compact as the
25 City's population changes.

1 And my understanding, too, is that
2 District 2 had the highest influx of residents due
3 to the growth in some of the neighborhoods and
4 that you would need to adjust the district
5 accordingly and it would become more compact as it
6 is more dense with residents.

7 Q. They didn't blow it up by drawing it
8 differently, did they? They kept it as a coastal
9 district?

10 A. They, the commission, in the 2022 --

11 Q. They, the plaintiffs.

12 A. They, the plaintiffs. We didn't. We
13 didn't blow it up by drawing it differently.

14 Q. I'll rephrase the question. It's a
15 little argumentative.

16 The plaintiffs in every single plan have
17 a district that is what I will refer to as a
18 coastal-based district, do they not?

19 A. I think there's different options that we
20 presented and got public and community input, but
21 there are districts where a long stretch is along
22 the coast line as a natural boundary.

23 Q. And that's a feature in every single plan
24 the plaintiffs drew?

25 A. I think how long and skinny it is varies.

1 I think we presented some that went up to
2 36th Street and put some different options in
3 there.

4 Q. But it would still be a district that
5 runs along the coast? It doesn't go probably more
6 than --

7 A. With District 5 also having a coastal
8 area.

9 Q. Okay. Would Liberty City be considered
10 coastal?

11 A. They certainly experience flooding and --
12 but, no, technically I would not say that Liberty
13 City is a coastal neighborhood relative to other
14 neighborhoods in the City of Miami.

15 Q. Fair enough.

16 A. I would also point to U.S. 1 and Biscayne
17 Boulevard as a geographic feature that might
18 influence the drawing as a district.

19 Q. Ms. Pelham, I am going to show you what
20 we're going to mark as Defendant's Exhibit 82-24.
21 (Defendant's Exhibit 82-24 marked for identification.)

22 THE WITNESS: Thank you.

23 BY MR. LEVESQUE:

24 Q. Starting with District 1, what particular
25 map drawing decisions does Engage Miami contend

1 were racially-based decisions?

2 A. Relative to 2022's inactive plan or just
3 generally?

4 Q. Just generally.

5 A. I would say that overall balancing the
6 proportion of predominantly Hispanic voters across
7 District 1 in relationship to District 3 and 4.

8 Q. And what are the features of the district
9 that do that?

10 A. Well, visually, from my perspective, the
11 extension, all the way out to Flagami and kind of
12 splitting that neighborhood, and then just some of
13 the -- yeah, the different carve-outs, I remember
14 the dialogue from commissioners talking about
15 taking specific pieces in order to get the
16 proportionality of Hispanic voters allocated in a
17 way that was considered most beneficial.

18 Q. When you say "allocated in a way that was
19 most beneficial," what do you mean?

20 A. That just maximized desirable Hispanic
21 voters across those three districts to be three
22 Hispanic districts.

23 Q. You say "desirable Hispanic voters."
24 What do you mean by "desirable Hispanic voters" --

25 A. That Hispanic voters were desired to be

1 in that district, if that language makes more
2 sense.

3 Q. Are you aware that those areas of Flagami
4 have the highest concentration of what would be
5 identified as conservative Hispanic voters?

6 A. I don't think I've specifically looked at
7 that data.

8 Q. Do you know who Mr. De Grandy is?

9 A. I do. He was directed to draw the maps
10 for the City.

11 Q. Are you aware that he informed the City
12 Commission that those areas of Western Miami have
13 the highest concentration of Hispanic conservative
14 voters?

15 A. I'm not specifically -- I don't have a
16 specific memory or awareness of that.

17 Q. If he told the commission that, do you
18 have any reason to disagree with it?

19 A. Not specifically.

20 Q. Would you agree if they were ensuring
21 that a conservative could be elected to
22 District 1, that is not a race-based reason?

23 A. My understanding is that the intention
24 was to kind of divvy up Hispanic voters in a way
25 that all three districts have a high

1 concentration. I'm not aware of what you're
2 referencing specifically.

3 Q. First let me ask, what is a high
4 concentration of Hispanics?

5 A. That within the City of Miami as a whole,
6 that the majority of Hispanic voters are
7 concentrated in districts in a way that increases
8 or maximizes the proportion of Hispanic voters in
9 those three.

10 Q. That's -- that's not exactly the answer
11 to my question.

12 A. Okay.

13 Q. What is a high concentration? Is it more
14 than 70 percent? Is it more than 80 percent?
15 What is -- when you say "high concentration," on a
16 quantifiable level, what do you mean?

17 A. I don't have a specific number in mind.
18 I think for me it's relative to the rest of the
19 City as a whole, to create three -- you know, the
20 language, like, let's get people with the same
21 last names in the same districts and move this
22 block here because it's 70 percent Hispanic, move
23 that into the district. But a specific number
24 that comes to mind, I would want to refer to data.

25 Q. Did any commissioner at any time state

1 that they wanted an area moved into their district
2 based upon a percentage of the racial population
3 that was in the district?

4 A. I do not have a specific recollection of
5 that, but that might have been implied. But I
6 don't remember exactly. But there's people of the
7 same last names. I certainly remember that. But
8 a specific percentage, I don't -- I don't know
9 from memory.

10 Q. And what is your understanding of what
11 the name (inaudible) --

12 A. By the same last names, that they were
13 talking about a high concentration of Hispanic
14 voters.

15 Q. Why Hispanics? Why not some other race
16 or ethnicity?

17 A. I think generally to have the City of
18 Miami map have three Hispanic districts, one Anglo
19 or non- -- non-majority district and then one
20 black district.

21 Q. But you said specifically they were
22 referring to Hispanics. So I'm asking why
23 Hispanics if they didn't say Hispanics?

24 A. Well, they didn't say Hispanics. I'm
25 saying I don't recall a specific percentage, which

1 I think was the percentage before.

2 Q. Well, again, but I'm asking a new
3 question. You specifically said -- you talked
4 about last names, and you assumed that they were
5 talking about Hispanics. So I'm asking why
6 Hispanics versus some other race or ethnicity?

7 A. Well, they did state that. Like, oh,
8 here's where the Hispanics live, let's move that
9 into this district. That was said.

10 Q. I understand that they talked about three
11 Hispanic districts, a black district and an Anglo
12 district. The quote that you were referencing
13 related to last names didn't say Hispanics in the
14 quote.

15 A. That's --

16 Q. You're blending statements. So I'm
17 asking you why you referred to or why you assumed
18 that was referring to Hispanics?

19 A. Using last names as a proxy for ethnicity
20 or demographic information, but also in reference
21 to other statements that clearly did name Hispanic
22 voters. So seen within the relationship of the
23 conversation as a whole.

24 Q. Okay. The conversation you're talking
25 about, though, as a whole, occurred over multiple

1 commission meetings; would you agree with that?

2 A. Yes. Multiple commission meetings.

3 Q. And the conversation as a whole, some of
4 those statements that you're referring to were
5 made at one commission meeting, but they weren't
6 made at a subsequent one. But other statements
7 might have been made at a subsequent one.

8 So I just want to understand when you're
9 referring to these statements, do you have any
10 independent or specific recollection of this
11 statement was being made at this City Commission
12 meeting?

13 A. I would want to look at the transcript
14 and documentation. But I think a lot of it's also
15 in the complaint itself of, you know, moving Bay
16 Heights and this area has similar demographics or
17 this is diverse in Coconut Grove. So I think
18 there's a lot of references to that kind of
19 language used across different commission
20 meetings.

21 Q. So your answer is no, you don't have a
22 specific recollection of when that statement was
23 made?

24 A. I did not myself attend the commission
25 meetings, so I was not there. But I read the

1 transcripts or watched excerpts after the facts.

2 Q. Okay. When I asked you earlier about the
3 transcripts that you read, and Ms. Valdes was
4 testifying at the February 25th meeting or the
5 March 11th meeting, you said that you hadn't seen
6 that transcript.

7 Which transcripts of committee meetings
8 have you seen?

9 A. I did not see the transcript that you
10 provided from Yane's statement. I did view what
11 she had said through the public -- what do they
12 call it, the public film and video recording, and
13 as well as like quotes from different
14 commissioners, video excerpts, quotes in the
15 media, and then later as we were reviewing them in
16 more detail, some of the specific quotes about,
17 you know, "sirloin" and "bone" and that kind of
18 thing.

19 Q. Okay. So you specifically don't
20 remember -- well, let me ask this: Do you
21 remember which committee meeting this "sirloin"
22 and "bone" discussion occurred at?

23 A. Off the top of my head, I don't recall
24 the specific meeting.

25 Q. Okay. Do you remember what that

1 discussion was in reference to?

2 A. That discussion was, in my mind, a
3 metaphor of desirable and undesirable voters based
4 on race.

5 Q. And do you -- again, my question, do you
6 remember what the context of that discussion was
7 addressing? Do you remember what the subject was?

8 A. As in like the specific neighborhoods
9 that were being discussed?

10 Q. As in the specific reasons why they were
11 having the conversation and who wanted what?
12 Let's start with, do you recall who the two
13 commissioners were that were having a dialogue?

14 A. I would want to triple-check my memory to
15 make sure.

16 Q. Ms. Pelham, I'm not asking you to quote
17 it. My question is, do you recall who the two
18 commissioners were?

19 A. Off the top of my head, I think I know,
20 but I'm on the record, and so I don't want to say
21 100 percent, no.

22 Q. Okay. So as you sit here today, you
23 don't know for certain who the two commissioners
24 were?

25 A. I would need to reference the transcript

1 and documents. Yes.

2 Q. So, yes, you don't know?

3 A. Yes.

4 Q. So do you have any recollection as to
5 whether they were discussing a park that a
6 commissioner wanted in his district?

7 A. That rings a bell, but I can't say for
8 sure.

9 Q. You referenced the "bone" and "sirloin"
10 comment.

11 What races are associated with those
12 comments?

13 A. Well, I think high concentrations of
14 Hispanic voters in this context were considered
15 what was desirable. So that would be the sirloin.

16 Q. What is your basis for that belief?

17 A. Because the discussion was about how to
18 move different parts of different neighborhoods to
19 move desirable Hispanic, high Hispanic voting age
20 populations into districts in order to maximize
21 Hispanic representation.

22 Q. Is it your testimony that that discussion
23 had nothing to do with the park?

24 A. I do not recall specifically.

25 Q. Okay. Is it fair to say that as you sit

1 here today, your lack of recollection of what was
2 actually said in its entirety, not just what might
3 have been quoted in legal proceedings, you might
4 not be completely accurate?

5 MS. MCNAMARA: Objection to form.

6 You can answer.

7 THE WITNESS: I just prefer to be able to
8 check my memory against documentation.

9 BY MR. LEVESQUE:

10 Q. You've had no problems casting out
11 certain quotes that have been quoted repeatedly in
12 the plaintiffs' pleadings. You're not retracting
13 those quotes. You're not even retracting the
14 names that you're assigning to them. But you're
15 failing to provide any additional context as to
16 what else was being discussed at that very moment.

17 So I guess my question to you is, what
18 other basis do you have for believing those
19 statements relate in any way to race?

20 MS. MCNAMARA: Objection to form.

21 THE WITNESS: There were multiple
22 meetings over multiple months, even years.
23 And so to recall exactly at what meeting what
24 quote was said, but to take the dialogue as a
25 whole, with specific examples of over time

1 how things were discussed and the language
2 that was used, but to remember exactly what
3 meeting and the specific context of
4 everything, my memory is just not able to
5 confirm every detail.

6 BY MR. LEVESQUE:

7 Q. Would you agree that the transcript of
8 the meeting is probably going to be the most
9 accurate reflector of what was said and what was
10 meant?

11 A. On the dais, yes.

12 Q. Other than balancing Hispanics over
13 Districts 1, 3 and 4, what other features of
14 District 1 do you believe are indicative of
15 race-based decision-making?

16 A. I think from my perspective it's about
17 how it's balanced relative to the whole that I
18 would point to.

19 Q. When you say "balanced to the whole,"
20 what do you mean?

21 A. Meaning similar to what I've shared
22 before about maximizing the concentration of
23 Hispanic voters across those three districts so
24 that there are three Hispanic districts as
25 described.

1 Q. Is that the only thing that you can
2 identify related to District 1?

3 A. I mean, there's certainly shifts in
4 Overtown, moving pieces of it back into
5 District 5, which I remember dialogue from that
6 commissioner about how that would want to be set
7 up.

8 But I would not point to specifics at
9 this time from memory.

10 Q. Would you agree that plaintiffs move
11 substantially similar portions of Overtown back
12 into District 5 as well when they took their plan
13 forward?

14 A. Yes. I think in general there is public
15 feedback about that.

16 Q. Did the plaintiffs do that for racial
17 reasons?

18 A. I think all the maps that we have had VRA
19 compliance as far as back voters being able to
20 elect a candidate of choice, and that from
21 community input, we also heard preferences to keep
22 Overtown in that district and adjusted based on
23 that feedback.

24 Q. Is it your contention, as you sit here
25 today, that the City did that for racial reasons?

1 A. That specific piece of Overtown?

2 Q. Yes.

3 A. Again, I would want to look at the
4 transcripts and the map as a whole for every
5 single, you know, specific item. But I do think
6 that there was in general an intention of having
7 as many black voters as possible in that one
8 district.

9 MR. LEVESQUE: I'm sorry, Denise, can you
10 read me back that last answer?

11 (Answer read by the reporter.)

12 BY MR. LEVESQUE:

13 Q. Do you know what Overtown provided in
14 terms of voter makeup for District 5, in terms of
15 boosting the black voting age population in the
16 City's plans?

17 A. My understanding of that carve-out, that
18 is a part of Omni. My understanding is that it
19 has a lot of condo towers in it, and that that's a
20 shift that I saw between '22 and '23. I think for
21 Overtown specifically, I think it is going much --
22 much deeper and pulling more folks in Overtown
23 into District 5 than the 2022 map.

24 Q. If I could ask you to look at the 2022
25 plan. You mentioned the condo area.

1 Would you agree that compared to 2023
2 plan and the 2022 plan, that the City was trying
3 to address the criticism that they only had a
4 little sliver for what has been referred to as the
5 "Condo Canyon" in the 2022 plan and they were just
6 broadening that area to include back into
7 District 2?

8 A. I think in general the 2023 map smooths
9 out -- I can't talk -- smooths some of the lines.
10 But there's still a -- you know, a carve-out
11 within that Omni area, just slightly shaped
12 differently.

13 Q. So do you know what the racial makeup of
14 those carve-out areas and how that impacted
15 District 5?

16 A. Off the top of my head, no, I don't have
17 the data for the specific areas.

18 Q. Is it your contention then that that
19 change was made to boost the voting age population
20 of a particular race in either District 5 or
21 District 2?

22 A. My understanding is that a lot of the new
23 condos that have been built in that area are
24 bringing in a different demographic population
25 that's likely more white in some of the adjacent

1 areas in Overtown, and so putting those into
2 District 2 includes that, that rationale.

3 Q. When you say that's your understanding,
4 what is that understanding based upon?

5 A. That many of the new condos and buildings
6 that have been being built around Miami tend to
7 have higher housing prices than the natural --
8 naturally occur in affordable housing, and that
9 gentrification is bleeding into historically black
10 communities such as Overtown.

11 Q. So both areas -- there are many areas of
12 District 5 that are gentrifying; would you agree
13 with that?

14 A. Yes, I would agree with that.

15 Q. Looking at District 2, other than the
16 Omni area, are there other features of District 2
17 that you would contend were drawn with race as the
18 predominating factor?

19 A. For the 2022 map?

20 Q. Yes.

21 THE REPORTER: I'm sorry. Could you
22 repeat the last part of your question.

23 MR. LEVESQUE: Yes.

24 BY MR. LEVESQUE:

25 Q. Looking at District 2, are there areas of

1 District 2 that you would contend were drawn with
2 race as the predominating factor?

3 And then she clarified for the 2023 map?
4 I said yes. And something along those lines.

5 A. So between the railroad tracks and
6 Biscayne, which is actually the area that I used
7 to live very close to, so I'm more familiar with
8 it, it's a bit of a lower black voting age
9 population, so that got added into -- into
10 District 2. There's a carve-out along the Miami
11 River in Brickell where a lot of new condos has
12 been built as well. That's kind of sticking into
13 there and pulling people in.

14 In general, I would say it's largely
15 similar to the 2022, just smoothing out some of
16 the lines.

17 Q. Would you also agree that it's generally
18 pretty similar to the 2013 plan as well?

19 A. Generally, yes.

20 Q. Looking at District 3, what areas of
21 District 3 in the 2023 plan do you contend were
22 drawn with race as the predominating factor?

23 A. My recollection has to do with dialogue
24 around Bay Heights as an area as well as the
25 finger that is now in District 2 in this map. But

1 I don't remember every specific conversation about
2 every neighborhood.

3 Q. And what about Bay Heights was racially
4 motivated?

5 A. My recollection is that there was just
6 dialogue about it having a relatively high
7 Hispanic voting age population relative to other
8 areas in District 2, so that's my best
9 recollection about that shift in the line.

10 Q. So it's your understanding that Bay
11 Heights has a high Hispanic voting age population
12 and including that in the district boosted the
13 Hispanic voting age population in District 3?

14 A. My recollection is just that there was
15 dialogue about the Hispanic age voting population
16 in that district and therefore which district it
17 should be in.

18 Q. And in which meeting was that dialogue?

19 A. I would need to reference which specific
20 meeting, but in the creation of the 2023 map.

21 Q. But as you sit here today, you can't
22 recall whether it was the June 14th meeting or one
23 of the prior meetings, correct?

24 A. Again, I was out of town during June, so
25 I didn't watch it until then.

1 Yes, correct.

2 Q. So that would be a no, you don't
3 recall?

4 A. Okay. Yes.

5 Q. Are there any other features of
6 District 3 that you would identify?

7 A. Not at this time, no.

8 Q. Moving on to District 4. Are there
9 features of District 4, other than what we
10 discussed in Flagami, that you believe were drawn
11 with race as the predominating factor?

12 A. I think again, in general, it largely
13 reflects the borders that were in the 2022 plan,
14 just smoothing them out a little bit, that in
15 which race in general predominated as a factor.

16 Q. Would you agree that it also reflected
17 the borders that were in the 2013 plan generally
18 as well?

19 A. Generally, yes, for the most part.

20 Q. Then finally District 5. We talked a
21 little bit about Omni. Are there other areas of
22 District 5 that you would -- that you believe were
23 drawn with race as the predominating factor?

24 A. There's a slight shift between the
25 railroad and Biscayne between District 2 and 5.

1 Again, that's not a very high black voting age
2 population relative to the rest of the district.

3 Q. Is that shift that you're talking about
4 kind of like the little triangle that is the
5 east -- I'm sorry -- to the west of Edgewater
6 that's created by the railroad there? Is that the
7 shift you're talking about?

8 A. In that specific case, I was actually
9 talking a little bit further north above 36th.

10 Q. And it's your understanding that that
11 line that is drawn doesn't actually follow the
12 railroad?

13 A. No. I'm just pointing to the shift from
14 2022 to 2023, where that was one of the visible
15 things that --

16 Q. Is there a problem with following the
17 railroad?

18 A. No. I would not say there's a general
19 problem with following the railroad.

20 Q. Okay. Would you agree that railroads
21 generally are recognized as a type of geographic
22 boundary?

23 A. They can be, yes.

24 Q. I'm going to show you what we're going to
25 mark as Defendant's Exhibit 82-34.

1 (Defendant's Exhibit 82-34 marked for identification.)

2 BY MR. LEVESQUE:

3 Q. Ms. Pelham, do you recognize that plan?

4 A. I do, yes.

5 Q. Do you know who draw this plan?

6 A. I don't know who the specific mapmaker
7 was necessarily, actually.

8 Q. Did Engage Miami request any revisions to
9 this plan?

10 A. We were able to review it, ask questions.
11 I think P-2 was drawn during the same time period.
12 And, yeah, just discussed the changes here versus
13 the maps that the City had drawn and, you know,
14 the level of compactness of the districts I
15 remember coming up, for example.

16 Q. Were you aware of what the actual
17 Hispanic voting age population is for District 1
18 in that district?

19 A. Not from memory. I don't remember.

20 Q. I'm going to show you Defendant's Exhibit
21 82-12.

22 (Defendant's Exhibit 82-12 marked for identification.)

23 BY MR. LEVESQUE:

24 Q. And I will represent to you that this is
25 an appendix that came from a report that was

1 presented by Dr. Abbott on behalf of plaintiffs.

2 If I could ask you have to look to
3 page 16.

4 And do you see where it indicates the
5 Hispanic age voting population for District 1 is
6 70.1 percent?

7 A. Yes.

8 Q. And do you also see where the Hispanic
9 population for District 4 is 95 percent?

10 A. I do, yes.

11 Q. Do you also see where the Hispanic
12 population for District 3 is 90 percent?

13 A. Yes. 90.8.

14 Q. 90.8.

15 Are you aware if any of the plaintiffs'
16 other maps have two districts at 90 percent or
17 higher for Hispanic voting age population?

18 A. There are those that are in the high 80s,
19 but over 90 percent, it does not look that way.

20 Q. In fact, in one that plaintiffs prefer,
21 Hispanic population for District 1 is 85.8, and
22 the Hispanic population for District 3 is 85.1,
23 correct?

24 A. Yes. Plaintiffs' map 4.

25 Q. Are plaintiffs balancing the Hispanic

1 populations between plan 1 and plan 4?

2 A. I think we just got community input. We
3 talked about Overtown previously. And this P-1
4 map, for example, actually does break up the
5 coastal district the most, and actually has three
6 districts on the coast, that they are all very
7 compact. So I think just putting different
8 options out there ended up with slightly different
9 results.

10 Q. Do you know why plaintiffs' plan 1 was
11 not selected as plaintiffs' preferred map when it
12 submitted maps to the Court?

13 A. Well, we had put out P-1 and P-2. You
14 know, obviously all of the maps have to be drawn
15 around District 5 or the VRA-protected district,
16 and then that -- you know, from there, then you've
17 got some different options about how to draw and
18 compact and keep the communities together
19 districts. I think from the community meetings
20 that we had was a major source of the input that
21 would have led us towards our preferred map.

22 Q. Do you believe plaintiffs' -- District 5
23 in plaintiffs' plan 1 is a VRA compliant district?

24 A. Black voting age population is 45.2. It
25 does look like of the four options, by a small

1 margin relative to District 2, it's a little lower
2 in terms of black voting age population. But,
3 yes, I do believe it's VRA complaint, that black
4 voters would be able to elect a candidate of
5 choice in this setup.

6 Q. And do you believe it's narrowly
7 tailored?

8 A. Yes. Just to comply with the VRA and
9 showing those requirements.

10 Q. Now, when the plaintiffs revised its
11 other plans to include portions of Overtown in it,
12 that was done to -- at the request of the black
13 community to include those portions of a historic
14 black community back into the black VRA-required
15 district, correct?

16 A. Yes. I think maps 1 and 2 had slightly
17 different options, and there seemed to be
18 consensus forming that moving in the direction of
19 map 2 would be more responsive to community input.

20 Q. Okay. And in terms of responding to
21 community input to keep the black residents in
22 Overtown in District 5, plaintiffs revised their
23 plan all the way down to plaintiffs' plan 4 that
24 has a black voting age population of 48.4 percent.

25 Do you see that?

1 A. Yes. Three percentage points higher.

2 Q. 3.2 percentage points higher, correct?

3 A. Yes.

4 Q. So is it still narrowly tailored if it's
5 3.2 percentage points higher than 45.2?

6 A. To the extent that race predominated in
7 decision-making, then, yes, I would say so, and
8 then keeping community input and communities of
9 interest in mind.

10 Q. Well, when you say "race predominated,"
11 are you suggesting that the plaintiffs didn't add
12 Overtown in because of race?

13 A. I mean, because of community input, but
14 I --

15 Q. But wasn't the community input, hey, we
16 want -- we, the black community in Overtown, want
17 to be District 5?

18 A. I think there's input from different
19 places. I believe the commissioner had spoken to
20 it. The CRA, I believe, had shared some thoughts.
21 I think different people were in different places.
22 But there's a preference for that based on
23 community input.

24 Q. Are you suggesting that there were not
25 significant numbers of the community who were

1 requesting that Overtown be included in District 5
2 on a basis -- that was not on a basis of race?

3 A. I think it is generally a preference that
4 community members express that Overtown be part of
5 District 5, understanding Overtown to be a
6 historically black neighborhood.

7 Q. Would that be a racial reason?

8 A. It would be keeping communities of
9 interest in a neighborhood together based on
10 community feedback and input. Overtown staying
11 together as a community.

12 Q. Let me ask this: If a City Commission
13 includes Overtown because it's a historically
14 black community and they're drawing that and
15 including that in the historically black district,
16 why is that a race-based decision, but when
17 plaintiffs do it, it's not?

18 A. I think we put out different options, got
19 community input, made sure that they were all VRA
20 compliant, and as we got community input, made
21 adjustments and landed where we landed.

22 Q. Are you suggesting that City Commission
23 didn't get community input, and so that when they
24 drew the 2023 plan, they weren't responding to
25 community input?

1 A. Yes. Through public comment, they got
2 community input as well, yes.

3 Q. You see that western portion of Flagami.

4 How important is community input for
5 decision-making in redistricting for Engage Miami?

6 A. Well, I think for a small non-profit that
7 has the resources that we do have, we want to take
8 out as much community input as we could in the
9 time frame, you know, with the mediation -- or the
10 mediation. Yeah. But, you know, it was certainly
11 a short time frame. If we had gotten to do
12 everything we would have wanted to do, I'm sure we
13 would have wanted more time to get more input on
14 the maps.

15 Q. That wasn't my question. My question
16 was, how important is community input to Engage
17 Miami in the redistricting process?

18 A. It is an important factor.

19 Q. Okay. And community input is so
20 important that Engage Miami and the other
21 plaintiffs had zero community meetings in any
22 Hispanic district, correct?

23 A. I would not phrase it that way.
24 Originally we had one meeting planned in Coconut
25 Grove, and then when we saw that people wanted

1 more and that Overtown was a subject of
2 conversation, we rapidly chose to have one more
3 meeting that we could fit in on a rapid time
4 frame.

5 Q. Originally you only intended to have one
6 meeting and only in Coconut Grove?

7 A. That was the initial plan of just what
8 can we do very quickly. And then we wanted to do
9 more to the extent that we could, and Overtown had
10 become a topic of conversation.

11 Q. Did anyone ever bring up, hey, Flagami
12 has been this way for a long time, between --
13 split between District 1 and District 4, do we
14 really want to do this when nobody is asking for
15 it?

16 A. Yeah. I was traveling during those
17 meetings, so I was not personally present. I've
18 certainly had informal conversations with folks
19 that say splitting up that area just doesn't make
20 logical sense when it could be more compact. But
21 I don't -- from the public meetings, I don't have
22 specific comments that were shared.

23 Q. Okay. And you didn't discuss in terms of
24 getting ready for your deposition today with
25 either Ms. Valdes or Ms. Contreras any of the

1 things that were said or any of the things that
2 were presented so that you could testify to those
3 things today, correct?

4 A. No. They've been at trainings each
5 weekend for the past two weekends, so our
6 schedules have not overlapped significantly.

7 Q. Okay.

8 A. And I had travel as well.

9 MR. LEVESQUE: Let's take a short break.

10 (Discussion off the record.)

11 BY MR. LEVESQUE:

12 Q. Ms. Pelham, I am going to show you what
13 we're going to mark as Plaintiffs' (sic)
14 Exhibit 82-35.

15 (Defendant's Exhibit 82-35 marked for identification.)

16 BY MR. LEVESQUE:

17 Q. Ms. Pelham, do you recognize this
18 exhibit?

19 A. I do.

20 Q. And what is this exhibit?

21 A. This was the second map that was created
22 by plaintiffs.

23 Q. Do you know who drew this map?

24 A. I don't recall specifically who did the
25 drawing.

1 Q. Did -- between map 1 and map 2, did you
2 see them both at the same time?

3 A. Either concurrently or very close
4 together.

5 Q. Did Engage Miami have any changes that
6 they requested by either map 1 or map 2?

7 A. My memory is that we just discussed
8 having options. This one, for example, District 1
9 doesn't go all the way to the coast. District 5
10 is extended down a little bit and gets some but
11 maybe not all of Overtown. District 2 goes up a
12 little bit further to -- gosh, not all the way to
13 36th, but towards Edgewater.

14 Yeah, so you know, slight shifts and just
15 really seeing options side by side to compare
16 different possibilities.

17 Q. Is Edgewater split in this map?

18 A. It does end -- doesn't go all the way up
19 to 36th Street, but it keeps the Omni area
20 together for the most part and -- yeah.
21 There's -- there's a difference in how these two
22 are split for sure.

23 Q. Sure.

24 A. But they're actually very close in terms
25 of what street exactly.

1 Q. You would agree that Edgewater is a
2 neighborhood that's split, correct?

3 A. Yeah. Edgewater has been growing really,
4 really rapidly in terms of all the condo building,
5 and so I think that's been to my knowledge a
6 population growth area generally.

7 Q. Keeping neighborhoods whole is very
8 difficult when the population has grown like that,
9 correct?

10 A. It causes one to try to make decisions
11 about where that line can be that makes sense.

12 Q. Is Brickell split?

13 THE REPORTER: I'm sorry, excuse me,
14 Counsel?

15 BY MR. LEVESQUE:

16 Q. Is Brickell split?

17 A. Let's see. There's the railroad tracks.
18 I think most all of Brickell, Brickell Key is all
19 in there. Map 1 goes a little -- I think that's
20 getting into East Little -- is that east? Yeah.
21 East Little Havana a little bit on map 1, whereas
22 map 2 is more so following the railroad tracks,
23 which I think is a natural geographic boundary.

24 Q. Do you know if Brickell is on both sides
25 of the railroad tracks?

1 A. I would need to refer to how it's
2 technically defined.

3 Q. But you reference Little Havana being
4 split, correct?

5 A. There's that kind of area that's
6 Brickell, East Little Havana, Little Havana. So
7 there's a slight difference between the maps about
8 the area that is --

9 Q. Where they're splitting neighborhoods?

10 A. To me, the maps are a little small, so I
11 would want to ideally zoom in -- to me it looks
12 like one is following the railroad tracks and one
13 is sticking maybe closer to the highway as
14 different options.

15 Q. Based upon your familiarity with the
16 city's geographic boundaries, does it appear as if
17 Little Havana is split?

18 A. There is 8th Street.

19 Q. I'm referring to plaintiff's map 2.

20 A. Okay. Plaintiff's map 2.

21 I think in this one the dividing line is
22 between Flagler and the 8th Street corridor. So
23 it's not entirely kept together, but I think
24 there's a business community on Flagler that just
25 put that -- and the business community on 8th

1 Street in that area.

2 Q. In looking at the three Hispanic
3 districts on plaintiffs' map 2.

4 A. You're referring to 1, 3 and 4.

5 Q. Yes. If you could refer to Exhibit 82-12
6 to the next question.

7 A. 1, 3, 4. Okay.

8 Q. Because the plaintiffs don't take
9 District 1 all the way to the coast, but by
10 keeping it generally an inland district, Hispanic
11 voting age population jumps from 70.1 percent to
12 80.6 percent?

13 A. Yes.

14 Q. When the plaintiffs made the decision not
15 to take District 1 to the coast, would you agree
16 that the natural effect of that is District 1 is
17 going to have a higher Hispanic voting age
18 population?

19 A. I think based on the demographics of the
20 downtown and Omni areas, if those are included in
21 District 1, that will change the proportionality.

22 Q. That sounded like a yes?

23 A. Yes.

24 Q. In doing that, were the plaintiffs
25 intending to balance the Hispanic population or is

1 that just a natural effect?

2 A. Yeah. I think there's -- like, looking
3 at how there could be three districts that go up
4 the coast, that run more like north, central,
5 south, and then in map 2 offering this other
6 option that's more similar to how it's
7 historically been with D-2 going up further, means
8 that D-1 is more inland, and so that's a natural
9 effect.

10 Q. Would you agree that at least with
11 plaintiffs' map 2, D-1 -- I'm sorry -- D-2 is --

12 A. D-2.

13 Q. -- is similar to the 2013 plan?

14 A. I think in 2013, it went further --

15 Q. I'm not --

16 A. -- up the coast.

17 Q. -- saying exactly the same, but more
18 similar in terms of the way it's drawn.

19 A. More similar to P-1, yes.

20 Q. And of the three districts, D-2 might be
21 the most geographically similar to the 2013 map?

22 A. I would ideally want them side by side,
23 but largely, yes.

24 Q. I'm going to provide you what we'll mark
25 as Defendant's Exhibit 24-82.

1 (Defendant's Exhibit 24-82 marked for identification.)

2 THE WITNESS: Thank you. This is 2013.

3 Answer the question or --

4 BY MR. LEVESQUE:

5 Q. Would you agree that comparing District 2
6 in plaintiffs' map 2 and District 2 in the 2013
7 plan, that there are significant similarities
8 between the two plans? And I don't mean to imply
9 that they are identical. They obviously include
10 different geography. But would you agree that
11 they are substantially similar in terms of the
12 general construction of the district?

13 A. I would say District 2 and District 5
14 have the most similarities between our P-2 and
15 2013, and 1, 4 and 3 are constructed the most
16 differently relative to each other.

17 Q. Okay. Is there a reason why Districts 1,
18 4 and 3 were so dramatically restructured compared
19 to Districts 2 and 5?

20 A. Well, 5, there's elements of the VRA that
21 you have to make sure, and so there's going to be
22 some limitations there about how much that can
23 move.

24 I think District 2 as well is interesting
25 because it does have, whether it's the highway or

1 the train or Biscayne, there's some geographic
2 borders there as well as the coastal aspect.

3 And then 1, 3 and 4, I think it's just a
4 slightly -- these two are more compact and have a
5 different dividing line, it's kind of above Little
6 Havana, below Little Havana, to the west.

7 Q. And that's because the plaintiffs, when
8 they drew the maps, this was important to them,
9 correct?

10 A. Yes, I would say so.

11 Q. I'm now going to show you Plaintiffs' --
12 I'm sorry, Defendant's Exhibit 82-36.

13 (Defendant's Exhibit 82-36 marked for identification.)

14 BY MR. LEVESQUE:

15 Q. Do you recognize this plan?

16 A. Yes, I do.

17 Q. Would you agree that this plan includes
18 even more of the coastal area in District 2?

19 A. Yes. When it goes up to 36th, so, yes,
20 I -- probably give or take ten blocks worth.

21 Q. And it keeps Edgewater whole?

22 A. Yes. And brings that boundary over a
23 little bit east from Omni.

24 Q. Was it improper to split Edgewater when
25 you split it in the last map?

1 A. No. I think it's just an option based on
2 forming districts across the board better or
3 compact.

4 Q. Have you looked at any of the compactness
5 scores for any of the plaintiffs' plans?

6 A. Not -- I don't think I reviewed that data
7 that I recall. It might have been shared with me
8 at some point.

9 Q. Do you know who drew this plan?

10 A. I don't recall specifically who drew each
11 plan.

12 Q. Did Engage Miami have any requested
13 changes to plaintiffs' map 3 -- strike that.

14 Plaintiffs' map 1 or 2 that would be
15 reflected in plaintiffs' map 3?

16 A. I think on the basis of community input
17 around including more of Overtown, that was
18 incorporated. It's one of the more substantial
19 changes. And then by doing that, making some
20 adjustments.

21 Q. That includes even more of Overtown that
22 had been included in plan 2, correct?

23 A. Yes.

24 Q. That also had the effect of boosting the
25 black voting age population all the way up to

1 48.8 percent, correct?

2 A. Yes.

3 Q. Is it your opinion that plan 3 is still
4 narrowly tailored?

5 Let me rephrase that question.

6 Is it your opinion that District 5 in
7 plan 3 is still narrowly tailored?

8 A. Yes, it is.

9 Q. Even though it's 3.5 -- I'm sorry --
10 3.6 percentage points higher than what was
11 required in plan 2 -- I'm sorry -- plan 1?

12 A. Yes. I think that's just bringing more
13 of Overtown in and as a natural effect of
14 responding to the feedback that we got when folks
15 saw P-1 and P-2.

16 Q. And, again, I want to be clear. When
17 Engage Miami revised their maps to include
18 Overtown to begin with, and to include more of it
19 as they drew the maps, that wasn't in response to
20 the community calls to add those portions of the
21 black community of Overtown back into District 5?

22 A. I think to keep as much historic Overtown
23 together as possible and that different black
24 community members were saying that was their
25 preference.

1 Q. But that's not drawing the districts on
2 the basis of race; do I understand that correctly,
3 that's Engage Miami's position?

4 A. Yeah. Keeping communities of interest
5 together that had stated they wanted to be.

6 Q. It doesn't matter that it's a black
7 community that is sought to be whole, it's just
8 you're keeping the community united?

9 A. I think in reference to making sure that
10 the district is VRA compliant and being aware of
11 race and that factor. But, no, I think the shift
12 in time over the maps is really just based on
13 community response.

14 Q. You would agree that the district was VRA
15 complaint in plan 1 and didn't include Overtown as
16 well?

17 A. Yes. But that doesn't mean that shifts
18 in map couldn't end up having a slightly higher
19 black voting age population.

20 Q. Okay. If there are black voters that are
21 asking to be added to the district, because they
22 wanted to be in the black district, wouldn't that
23 be adding them because of their race?

24 A. If that's the community feedback of what
25 folks want and tracks more with what people have

1 experienced under prior redistricting plans where
2 more Overtown was kept in D-5, then, yeah, I think
3 that's just --

4 Q. Are you aware of the community feedback
5 that was provided by NAACP and others in the
6 community that requested that the City Commission
7 not diminish the black voting power in District 5?

8 A. I do remember dialogue about it, but I
9 don't have a clear memory of the specifics of
10 that.

11 Q. Are you aware of what the black voting
12 age population was in District 5 before the City
13 drew the map, the 2022 plan?

14 A. I would need to reference the data to --
15 well, it's probably here but --

16 Q. Not --

17 MS. MCNAMARA: It does have the enjoined
18 plan on page 14.

19 MR. LEVESQUE: No, before the 2020.

20 THE WITNESS: 2013. I wouldn't know off
21 the top of my head.

22 BY MR. LEVESQUE:

23 Q. Would you be surprised if it was higher
24 than 50.3 percent?

25 A. Higher than 50.3. And this is in 2022

1 from the 2013 plan?

2 Q. Correct.

3 A. Higher. It could be. I don't -- the
4 black voting age population, I don't know.

5 Q. And the changes that were made on the
6 dais to the draft plan for the -- that became the
7 2023 plan, that involved District 5, does Engage
8 Miami believe any of those changes were made for
9 race-based reasons?

10 A. From the 2022 to the 2023 plan, were
11 those changes made for race-based reasons?

12 Q. The changes that were made from the dais
13 that revised the draft that had been proposed to
14 the City.

15 Let me see if I can break this down.

16 A. Sure.

17 Q. On June 14th of this year, the City
18 considered a draft plan that was presented by
19 Mr. De Grandy. During the course of that
20 June 14th meeting, the City made revisions to that
21 plan during the meeting. Some of these revisions
22 were to redraw District 5 from the draft that was
23 presented to them.

24 Is it Engage Miami's position that any
25 of those changes that were made publicly on the

1 dais were made for predominantly for racial
2 reasons?

3 A. I would need to see the transcript from
4 that specific meeting to recall specifically. I
5 do remember the dialogue that we had amongst staff
6 was noticing that the jail was now put into
7 District 5. But I don't know exactly what
8 conversation happened on the dais, if any. So I
9 don't know.

10 Q. Okay. Now, plaintiffs have made
11 revisions in each of these plans to Districts --
12 District 1, District 3.

13 Within District 4, in every plan, they
14 keep Flagami park. Do you know why?

15 A. It's the most westward -- I think there's
16 a couple of different configurations how far south
17 it goes. But it's the most westward portion. The
18 City has this very odd shape that goes out there.
19 You know, the full north-to-south boundaries.
20 Yeah. I think that's the main -- the main logic
21 is just keeping the most westward portion together
22 in a way that's compact.

23 Q. Do you know if it would have been
24 possible to run District 2 up the coast higher and
25 include Coconut Grove in District 3 or 4?

1 A. I think what number the district is could
2 look a little bit different. Certainly
3 plaintiffs' map 1 changes the configuration of D-2
4 the most.

5 Q. Let me draw your attention to
6 plaintiffs' map 3. Looking at plaintiffs' map 3,
7 District 5, it takes in Morningside and the Upper
8 East Side.

9 Let me back up.

10 Other than plaintiffs' maps 1, 2, 3 and
11 4, were there other maps that Engage Miami
12 considered presenting to the Court?

13 A. I think these were the ones that we
14 relied on.

15 Q. Okay. That wasn't my question. My
16 question was: Were there other maps that Engage
17 Miami participated in that were not presented to
18 the Court?

19 A. Not that I'm aware of. I think they're
20 just dialogue about possibilities for each of
21 these.

22 Q. Was there ever any discussion about
23 wanting District 2 further north to recapture
24 areas that had been given to District 5 and
25 extending the district down to capture parts of

1 Coconut Grove into the district that's to the
2 north of it?

3 A. So District 3 moves down, District 2
4 starts higher and goes longer and skinnier?

5 Q. However -- well, or however far north it
6 needed to gain the population, to keep the
7 population that it had?

8 A. I don't recall that being a discussion.
9 I think if you're going all the way from 79th
10 down to, you know, the south part of the City,
11 that's just geographically a really long
12 distance.

13 Q. You would agree that going from the north
14 part of Edgewater all the way down to the south
15 part of the City is a long way too?

16 A. Yeah. I think definitely not as long.
17 You know, it's everything south of 36th Street in
18 this option.

19 Q. So that's not something that plaintiffs
20 ever looked at?

21 A. Not to my memory. It's possible.

22 Q. Okay. But Engage Miami did?

23 A. Not to my memory.

24 Q. I'm going to show you Exhibit 7 82-37.

25 (Defendant's Exhibit 82-37 marked for identification.)

1 THE WITNESS: Thank you.

2 BY MR. LEVESQUE:

3 Q. Do you recognize this plan?

4 A. Yes. This is plaintiff's map 4.

5 Q. Why did plaintiffs prefer this map over
6 the other maps?

7 A. They're largely very similar. I think
8 the main difference has to do with the way that
9 Overtown along the highway and then up the
10 Metro -- it's the Metro Rail, I think. Just some
11 slight shifts along those boundaries are some of
12 the main differences. I think largely along where
13 we had been before, but adjusting additionally
14 some input around how Overtown is included to my
15 memory.

16 Q. And you would agree that Districts 2 and
17 5 in plaintiffs' plan 4, just like in map 2 and
18 map 3, are similar to what would have been
19 reflected in the 2013 plan?

20 A. Largely. But a little smoother along,
21 like, the geographic borders and main roads. I
22 want to say off the top of my head that's
23 northeast second for our map 4 and 3. But largely
24 similar.

25 Q. Would you agree that the racial makeup of

1 those districts is pretty similar to what would be
2 in the 2023 plan?

3 A. Yes. For the most part, I think D-5 --
4 2023. Yeah. Not too dissimilar.

5 Q. You mentioned District 5. Looking at the
6 appendix, District 5 in plaintiffs' plan 4 was
7 48.4 percent, correct?

8 A. Yes.

9 Q. And in the remedial plan, plaintiff
10 concludes, on page 5, District 5's black voting
11 age population was 50.3 percent, correct?

12 A. Yes.

13 Q. And in my math is correct, that's
14 1.9 percent difference between P-4 in the 2023
15 plan, correct?

16 A. One point -- yeah. One point -- sorry.
17 Just about. Yes.

18 Q. Less than 2 percent?

19 A. Yes. That's correct.

20 Q. Looking at District 2, do you see what
21 the white voting age population is for P-4?

22 A. P-4, District 2, white --

23 Q. White voting age population.

24 A. District 2, 37.9.

25 Q. And do you see what the white voting

1 age population for District 2 is in the 2023
2 plan?

3 A. 36.5.

4 Q. Were you aware that one of the
5 allegations were that -- what is the Hispanic
6 voting age population for District 2?

7 A. District 2 --

8 Q. In the 2023 plan?

9 A. -- 49.6.

10 Q. Would you agree that if the City was
11 attempting to draw an Anglo district, they weren't
12 doing a very good job of it?

13 A. That seems like -- statistically they
14 could have made shifts.

15 Q. They --

16 A. There's the discussion that it was an
17 Anglo district.

18 Q. Right. But you would agree that even
19 your version of District 2 in your plans was
20 generally going to be higher than the 2023 plan
21 except for plaintiffs' plan 1, correct?

22 A. Very close, but, yes.

23 Q. And in fact, the plaintiff's plan 1 made
24 it a Hispanic majority district, didn't it?

25 A. District 2. Yes, in that case, it was

1 7.9.

2 Q. In fact, plaintiffs' plan 1 drew three
3 Hispanic majority districts, did it not?

4 A. Four -- plaintiffs' map 1?

5 Q. I'm sorry, four. You're correct. Four
6 Hispanic majority districts.

7 A. Yes. And I believe that was the option
8 that was the most different than the others due to
9 District 1 went all the way to the coast in that
10 one.

11 Q. Okay. Going back to my question, one
12 of the allegations in the First Amended Complaint
13 was that the City was intentionally segregating
14 people based upon race to result in three
15 Hispanic districts, a black district and an Anglo
16 district.

17 Does the data, the objective data bear
18 that out?

19 A. That data shows that it would have been
20 possible to have a higher proportion of Anglo
21 voters in District 2 in the 2023 map, but that --
22 is that the question?

23 Q. Well, you were drawing, I think, the
24 comparison that you could draw the maps in such a
25 way that they have a higher white voting age

1 population in District 2, if I understood your
2 response.

3 Is that a fair characterization of your
4 response?

5 A. I believe so, yes.

6 Q. Because, in fact, plaintiffs did draw a
7 configuration of District 2 that did have a higher
8 white voting age population, didn't they?

9 A. Yes.

10 Q. But if the City were intending to draw a
11 district for a candidate that was white, they may
12 not have done a very good job because white voters
13 only make up 36.5 percent of the district and
14 Hispanics make up 49.6 percent of the district,
15 correct?

16 A. Yes. That is correct.

17 Q. And so would you agree that if they were
18 trying to do that, they didn't do a very good
19 job?

20 A. I would agree that more white voters
21 could have proportionally been in District 2 than
22 that that they ended up drawing in 2023.

23 Q. Is it Engage Miami's position that
24 District 2 was drawn in a way to pack white voters
25 into District 2?

1 A. I think discussion about where exactly
2 the lines would be drawn had a lot of input about
3 where the Hispanic voting population was. I
4 wouldn't say that the number one thing was packing
5 white voters, but having an Anglo or a white
6 district was a topic of discussion and also about
7 why the districts were historically set up the way
8 that they had been.

9 Q. When you reference the discussions
10 about the Anglo district or the Hispanic district,
11 do you distinguish between the way the
12 commissioners frequently would refer to District 2
13 as the Anglo district and specific directions that
14 a district should be revised to make it an Anglo
15 district?

16 A. I would want to look at the transcript.
17 My memory is imperfect.

18 MR. LEVESQUE: No further questions at
19 there time. Do you have some?

20 MS. MCNAMARA: Yeah.

21 CROSS-EXAMINATION

22 BY MS. MCNAMARA:

23 Q. You testified earlier that Engage Miami
24 moved its office in June of this year.

25 A. Yes.

1 Q. Where was it located before it moved?

2 A. It was on 79th Street. Gosh, am I really
3 forgetting the address already? It was on 79th
4 Street across from Technique Records and Half Moon
5 Empanadas. 691.

6 Q. What neighborhood is that in?

7 A. That is shore crossed along the 79th
8 Street corridor going out to the Bay.

9 Q. And what district is that in?

10 A. It's been in District 5.

11 Q. How long had Engage's offices been at
12 that location prior to moving?

13 A. Two years.

14 Q. So that's going back to 2021?

15 A. Yes.

16 Q. And when were they -- where were they
17 located before 2021?

18 A. It was Northeast 70th and Northeast 1st
19 or Northwest 1st.

20 Q. But still in District 5?

21 A. Still in -- we've always been in
22 District 5, actually. Before that they were in
23 82nd and Northeast 2nd.

24 Q. And now you're a little bit up north,
25 like, I don't know the exact part, but you're

1 say, like, 30 blocks north of where this map
2 ends?

3 A. Yes. Yes. Up Biscayne.

4 Q. Do you recall, we had a long exchange
5 about how closely you could recall the details in
6 each of the transcripts of the commission
7 meetings?

8 A. Yes. We -- yes.

9 Q. Would you say that you're familiar with
10 the overall tenor of what was said from the dais
11 throughout the commission meetings as represented
12 on those, let's say, six or however many
13 transcripts there are -- there were between
14 November of 2021 and April of 2022 when the
15 original -- the process that led to the 2022
16 enjoined plan?

17 A. Yes. Broadly I'm familiar with different
18 quotes and conversations.

19 Q. Can you cite to specific lines and page
20 numbers for the parts that stood out to you from
21 all those transcripts?

22 A. Without looking at them?

23 Q. Yes. I'm asking you, from memory right
24 now, if we started talking about some portion of
25 one of the transcripts that you remember, and I

1 said, where exactly on which transcript can you
2 tell me the page and line number, would you be
3 able to do that?

4 A. I would need to search through the text
5 to be able to find it. I wouldn't be able to
6 recall it from memory what page and line.

7 Q. But you do believe that you have a
8 general sense of what was said and the context of
9 what it was said in?

10 A. Yes.

11 MS. MCNAMARA: No more questions.

12 MR. LEVESQUE: Just one or two
13 follow-ups, maybe three.

14 REDIRECT EXAMINATION

15 BY MR. LEVESQUE:

16 Q. When you reviewed the commission
17 transcripts or the video, did you watch the public
18 comment period?

19 A. Yes. I might have fast forwarded through
20 some pieces of it, but I certainly watched anyone
21 that I knew or --

22 Q. So if there are other people that you
23 didn't know that were presenting information, you
24 didn't take in their community input?

25 A. I didn't watch every single moment of

1 every single public comment by any means.

2 Q. Did you actually review of the
3 transcripts?

4 A. Yes. I watched the videos online when I
5 had a chance.

6 Q. That wasn't my question. My question
7 was: Did you actually review the paper copy, did
8 you read it?

9 A. Not an entire transcript in whole but
10 portions and excerpts.

11 Q. Would those have been portions of
12 excerpts of an actual transcript or what was
13 quoted in the pleadings?

14 A. A transcript was sent to me by
15 counsel.

16 Q. And I don't want to know anything that
17 you sort of discussed with counsel or anything
18 like that.

19 MR. LEVESQUE: That's all.

20 Read or waive?

21 MS. MCNAMARA: We'll read.

22 MR. LEVESQUE: Okay. We'll take a copy,

23 Ms. Byer.

24 THE REPORTER: Great. Thank you.

25 And would you like a copy?

1 MS. MCNAMARA: Yes, please.

2 (Deposition concluded at 7:24 p.m.)

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CERTIFICATE OF OATH

STATE OF FLORIDA

COUNTY OF HILLSBOROUGH

I, DENISE SMITH BYER, RPR, FPR, Notary Public, State
of Florida, certify that the witness, REBECCA PELHAM,
was sworn remotely before me on October 17, 2023.

WITNESS my hand and official seal November 1st, 2023.



DENISE SMITH BYER, RPR, FPR

Notary Public

State of Florida at Large

My Commission No.: 807613

Expires: 11/21/2024

CERTIFICATE OF REPORTER

STATE OF FLORIDA)

COUNTY OF HILLSBOROUGH)

I, DENISE SMITH BYER, RPR, FPR, Notary Public, do hereby certify that I was authorized to and did stenographically report the foregoing deposition remotely of REBECCA PELHAM; that a review of the transcript was requested; and that the transcript is a true and complete record of my stenographic notes.

I further certify that I am not a relative, employee, attorney, or counsel of any of the parties, nor am I a relative or employee of any of the parties; attorneys or counsel connected with the action, nor am I financially interested in the action.

DATED November 1st, 2023 at Tampa, Hillsborough County, Florida.



DENISE SMITH BYER, RPR, FPR

CAROLINE ANDREWS MCNAMARA, ESQUIRE
American Civil Liberties Union of Florida
4343 W. Flagler Street
Suite 400
Miami, Florida 33134
Cmcnamara@aclufl.org

November 1st, 2023

RE: GRACE, INC. vs. CITY OF MIAMI
Deposition of REBECCA PELHAM
October 17, 2023; Job# 6121416

The above-referenced transcript is available for review.

REBECCA PELHAM should read the testimony to verify its accuracy. If there are any changes, REBECCA PELHAM should note those with the reason on the attached Errata Sheet.

REBECCA PELHAM should please date and sign the Errata Sheet and e-mail to the deposing attorney as well to Veritext at Transcripts-fl@veritext.com and copies will be e-mailed to all order parties.

It is suggested that the completed errata be returned 30 days from receipt of testimony, as considered reasonable under Florida Rules; however, there is no Florida Statute to this regard.

If witness fails to do so, the transcript may be used as if signed.

Sincerely,
Veritext Legal Solutions

*Federal Civil Procedure Rule 30(e)/Florida Civil Procedure Rule 1.310(e).

GRACE, INC. vs. CITY OF MIAMI

October 17, 2023; REBECCA PELHAM; Job# 6121416

E R R A T A S H E E T

PAGE_____ LINE_____ CHANGE_____

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REASON_____

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REASON_____

Under penalties of perjury, I declare that I have
read the foregoing document and that the facts
stated in it are true.

REBECCA PELHAM

DATE

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Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

DISCLAIMER: THE FOREGOING FEDERAL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.

THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

VERITEXT LEGAL SOLUTIONS

COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

Veritext Legal Solutions is committed to maintaining the confidentiality of client and witness information, in accordance with the regulations promulgated under the Health Insurance Portability and Accountability Act (HIPAA), as amended with respect to protected health information and the Gramm-Leach-Bliley Act, as amended, with respect to Personally Identifiable Information (PII). Physical transcripts and exhibits are managed under strict facility and personnel access controls. Electronic files of documents are stored in encrypted form and are transmitted in an encrypted

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